MINUTES OF EVIDENCE

TAKEN BEFORE THE

SELECT COMMITTEE

ON THE

CLARE ELECTION PETITION;

WITH THE

PROCEEDINGS OF THE COMMITTEE.

(1860.)

Ordered, by The House of Commons, *to be Printed,*
27 *March* 1860.

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Martis, 6° die Martii, 1860.

NAMES of the Members of the Select Committee appointed to try and determine the matter of the Petition complaining of an undue Election and Return for the County of Clare.

Charles Buxton, Esq.	George Sclater-Booth, Esq.
Sir Philip Grey Egerton, Baronet.	John Walter, Esq.

LORD STANLEY, Chairman.

Mercurii, 7° die Martii, 1860.

Ordered, THAT the said Petition be referred to the Committee.

Ordered, THAT the Committee do meet To-morrow, in one of the Committee-rooms of the House, at Eleven of the clock.

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REPORT.

CLARE ELECTION COMMITTEE.

Mercurii, 14° *die Martii*, 1860.

THE HOUSE informed, that the Committee had determined,—

That Colonel Luke White is not duly elected a Knight of the Shire to serve in this present Parliament for the County of Clare.

That the last Election for the said County, so far as regards the Return of Colonel Luke White, is a void Election.

House further informed, that the Committee had agreed to the following Resolutions:—

That Michael O'Dea and Patrick Lynch were bribed with the sum of 6 *l.* each, by Francis Coffey and Michael Houlihan, to vote for Colonel Luke White.

That Michael Lynch was bribed with 6 *l.* by Michael Macnamara.

That Malachi Foley was induced to vote for Colonel White by a promise of 6 *l.* made to him by Francis Coffey.

That Connor Howard was bribed with 10 *l.* by Thomas Mineter.

That Arthur O'Donnell and John O'Donnell were induced to vote for Colonel White by a promise of money made to them by another Michael Macnamara, a solicitor.

That John Gorman, Peter Sexton, James Sexton, and Patrick D'Arcy were bribed with 3 *l.* each by John Cangley.

That treating of voters was largely carried on in the house of Stephen Shanks, with the knowledge and consent of Charteris Brew Maloney.

That numerous voters received sums, varying from 1 *l.* upwards, for travelling expenses, without due inquiry as to the amount actually expended by the said voters.

But that it was not proved that such bribery and treating were committed with the knowledge and consent of the said Colonel Luke White.

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PROCEEDINGS OF THE COMMITTEE.

Jovis, 8° die Martii, 1860.

NAMES of the Members called over;—All present.

The Committee deliberated, and agreed to the following Resolutions:—

1. That Counsel will not be allowed to go into matters not referred to in their opening speech, without a special application to the Committee for permission to do so.

2. That if costs be demanded by either party under 11 & 12 Vict. c. 98, the question must be raised immediately after the decision on that particular case, unless the Committee shall otherwise decide.

3. That the Committee expect, that with respect to cases of bribery, or offers or promises of money or other valuable consideration, which it is intended to bring home to the Sitting Member or his Agents, the Counsel for the Petitioners will now state the names of the electors bribed, or to whom such offers were so made, and those of the persons who actually gave the bribes, or offered so to do.

4. The Committee, however, reserve to themselves a power, upon the special application of Counsel, to proceed with any case which tends to inculpate any principal or agent, the knowledge of which case has been brought out before the Committee in the progress of the investigation, with the circumstances of which the parties could not be reasonably supposed to have been previously cognisant.

5. That with respect to treating, the Committee will expect Counsel to state the times and places where such treating is alleged to have taken place.

6. That with respect to undue influence, the Committee will require to be furnished with a list of the persons who are alleged to have been subjected to such undue influence, and also with a list of those who are alleged to have exercised it.

7. The Committee, however, reserve to themselves a discretionary power, as in cases of bribery.

8. That no person shall be examined as a witness who shall have been in the room during any of the proceedings, with the exception of the agents, whose names shall be handed in, without the special leave of the Committee.

Parties informed of the above Resolutions.

Petition of electors, complaining of an undue election and return of Colonel Luke White, for the county of Clare, read.

Counsel for the Petitioners:—Mr. *Wordsworth*, and Mr. *Mundell*.

Agents:—Mr. *Baker*, and Mr. *Coffey*.

Counsel for the Sitting Member, Sir *Frederick Slade*, Mr. *Phinn*, and Mr. *Welsby*.

Agents:—Messrs. *Holmes & Co.*

Mr. *Wordsworth* opened the case on behalf of the Petitioners, abandoning the allegations as to intimidation, undue influence, and scrutiny.

Sir *Frederick Slade* took a preliminary objection to the petition, on the ground that the Petitioners had no right to vote, which entirely invalidated the petition, and called on the Petitioners to prove their *locus standi*.

Mr. *Wordsworth* was heard in answer, and stated that Mr. Calcutt had been sent for, who would prove the identity of the signatures to the petition.

James Richard Noylor sworn; and examined. Produced writ and return of the last election.

Ralph Cusack sworn; and examined. Put in 17 poll-books relative to the last election.

Francis M'Namara Calcutt sworn; and examined. Proved signatures to the petition, and that Petitioners were voters at the last election. The petition was proceeded with.

Stephen

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Stephen O'Halloran sworn; and examined.

Henry Green sworn; and examined. Put in two letters from the Agent of the Sitting Member.

Mr. *Welsby*, who had been absent from the Committee-room during the examination in chief of Stephen O'Halloran, applied to the Committee for a postponement of the cross-examination of the Witness.

The Committee refused to accede to the application.

Stephen O'Halloran called; and cross-examined.

Michael Houlihan sworn; and examined.

Michael O'Dea sworn; and was examined through James O'Dea, who acted as interpreter to the Witness.

Patrick Lynch sworn; and examined.

Malachi Foley sworn; and examined.

Patrick Cumming sworn; and examined.

William S. Ferguson sworn; and examined.

Stephen O'Halloran recalled. Put in further documents relative to the last election.

Connor Howard sworn; and examined.

[Adjourned till To-morrow, at Eleven o'clock.

Veneris, 9° die Martii, 1860.

Members all present.

Michael Grady sworn; and examined.

Mr. *Phinn* was heard to object to the course of examination, contending that the parties to whom it was alleged money had been given were not voters.

Mr. *Wordsworth* was heard in answer.

Mr. *Phinn* in reply.

The *Committee* decided that it was not competent to go into the question of distributing money amongst non-voters, unless it could be proved that some particular voter was bribed by that means.

Examination of the witness continued.

On the following question being put, "Did Mr. Joynt say anything to you on that occasion about your bill that you had delivered to M'Namara?" Mr. *Phinn* objected to the question being put, on the ground that a declaration made by an agent after his employment cannot be evidence against the Sitting Member.

The witness withdrew.

Mr. *Wordsworth* was heard against the objection.

Mr. *Phinn* was heard in reply.

The *Committee* decided that the question might be put.

The witness was recalled; and further examined.

Thomas Quinlwain sworn; and examined.

Mr. *Mundell* was heard, and applied to the Committee for leave to amend the list of voters bribed, by adding the name of James Twoby, and others.

Mr. *Welsby* was heard against the application.

Mr. *Mundell* in reply.

The *Committee* refused to accede to the application.

Examination of the witness continued.

Michael Mullshan sworn; and examined.

Martin Flynn sworn; and examined.

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John Curtin sworn by his interpreter, *James O'Dea*; and examined by Mr. *Wordsworth* through *James O'Dea*.

George Copeland sworn; and examined.

Thomas Chambers sworn; and examined.

Edmund M'Inerteny sworn; and examined.

On the following question being put, "What passed between you and him" (M'Donnell)? Sir *Frederick Slade* objected to the question being put, on the ground that M'Donnell was not shown to have been an agent to the Sitting Member.

The witness was ordered to withdraw.

Mr. *Mundell* was heard in answer to the objection.

Sir *Frederick Slade* in reply.

The *Committee* decided that the question could not be put.

Examination of the witness continued.

John Caughley sworn; and examined.

Sir *Frederick Slade* objected to the course of examination, on the ground that the petitioners must first exhaust the cases of bribery previous to entering into the charge of treating.

The Committee decided that the examination must be confined at present to the charge of bribery.

Sir *Frederick Slade* then applied to the Committee to erase from the shorthand writer's notes the evidence adduced of M'Namara's agency.

The *Committee* refused to accede to the application.

Examination of the witness was continued.

[Adjourned till To-morrow, at Eleven o'clock.

Sabbati, 10° *die Martii*, 1860.

Members all present.

Thomas Collyns sworn; and examined.

Sir *Frederick Slade* was heard against the application of Mr. Mundell, for leave to put in evidence on account of car hire, produced by the election auditor for the purpose of establishing the agency of Coffey.

Mr. *Wordsworth* was heard in answer.

Sir *Frederick Slade* in reply.

The Committee decided that the document in question should be admitted in evidence, *quantum valeat*.

William Lane Joynt called; but did not answer.

Stephen O'Halloran called; and further examined.

James O'Dea sworn; and examined.

James Horton, a messenger of the House, sworn; and examined. Proved service of summons on Anna Elton and Mary her daughter.

Thomas Baker sworn; and examined.

On the application of Mr. *Wordsworth*, the Committee adjourned till One o'clock, for the purpose of enabling Anna Elton and Mary her daughter to attend and give evidence before the Committee.

On the re-assembling of the Committee—

Anna Elton was sworn; and examined.

Mary Elton sworn; and examined.

Mr. *Wordsworth* was heard; and applied to the Committee to make a special report to the House, to the effect that William Lane Joynt was absenting himself for the purpose of avoiding service of summons, which had been issued by the Chairman of the Committee.

Sir

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Sir *Frederick Slade* was heard against the application: called and further examined *Thomas Baker*.

Mr. *Wordsworth* in reply.

Room cleared; Committee deliberated.

Resolved, "That the Committee will require the attendance of William Lane Joynt."

[Adjourned till Monday, at Eleven o'clock.

Lunæ, 12° *die Martii*, 1860.

Members all present.

William Lane Joynt was again called; but did not answer.

Chartres Brew Maloney sworn; and examined.

Sir *Frederick Slade* objected to the course of examination, contending there was no general allegation of bribery in the petition.

Mr. *Wordsworth* heard in answer.

Sir *Frederick Slade* in reply.

The Committee overruled the objection.

William Renney sworn; and examined.

John White sworn; and examined.

Stephen Shanks sworn; and examined.

Sir *Frederick Slade* was heard to object to the course of examination, contending that the evidence adduced had not proved the agency of the Rev. John Burke, Rev. —— Quade, and J. Scanlon.

Mr. *Wordsworth* heard in answer.

Sir *Frederick Slade* in reply.

Room cleared; Committee deliberated.

Resolved, "That the agency of Maloney being admitted on both sides, counsel have a right to put questions relating to the accounts sent in to him."

Parties called in and informed thereof.

Examination of the witness continued.

Mr. *Wordsworth* stated that in the absence of William Joynt, the petitioners had no further evidence to adduce, and applied for an adjournment in order that the attendance of W. Joynt might be procured.

Room cleared; Committee deliberated.

Committee decided on adjourning till to-morrow, at eleven o'clock.

Parties called in, and informed thereof.

[Adjourned till To-morrow, at Eleven o'clock.

Martis, 13° *die Martii*, 1860.

Members all present.

William Lane Joynt was again called, but did not appear.

The Chairman stated that the Committee were of opinion that as William Lane Joynt had not been summoned in the usual way to attend and give evidence, no contempt of court or breach of privilege had been committed.

Mr. *Mundell* was then heard to sum up the case on the part of the petitioners.

Sir *Frederick Slade* addressed the Committee on behalf of the Sitting Member.

Room cleared; Committee deliberated, and

[Adjourned till To-morrow, at Eleven o'clock.

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Mercurii, 14° *die Martii*, 1860.

Members all present.

Room cleared. Committea deliberated.

Resolved, 1. "That Colonel Luke White is not duly elected a Knight of the Shire to serve this present Parliament for the county of Clare."

Parties called in, and informed of the Resolution of the Committee.

Mr. *Wordsworth* was heard to apply to the Committee for costs under 11 & 12 Vict. in c. 98, s. 90.

The Committee, without hearing counsel in answer, refnsed to accede to the application.

Sir *F. Slade* called evidence for the purpose of recriminating on Mr. Calcutt, to disqnalify him from becoming a candidate at any election which might arise from the issuing of a new writ.

Burroughs Sharhey sworn; and examined.

Chartres Brew Maloney sworn; and examined.

Mr. *Welsby* snmmed up the evidence adduced on the part of Colonel Luka White.

Mr. *Wordsworth* replied.

Room cleared. Committee deliberated.

Resolved, 2. "That it is not proved to the satisfaction of tha Committee that Mr. M'Namara Calcott is disqnalified as a candidate for tha representation of the county of Clare."

Parties called in and informed of the above Resolution.

On the room being again cleared the Committee deliberated.

Resolved, 3. "That the last election for the said county, so far as regards the return of Colonel Luke White, is a void election.

Resolved, 4. "That Colonel Luke White was, hy his agents, guilty of hribery and treating at the last election.

Resolved, 5. "That Michael O'Dea and Patrick Lynch were brihed with the sum of 6 *l.* each by Thomas Coffey and Michael Houlihan, to vote for Colonel Luke White.

Resolved, 6. "That Michael Lynch was hrihed with 6 *l.* hy Michael M'Namara.

Resolved, 7. "That Malachi Foley was induced to vote for Colonel White by a promise of 6 *l.* made to him hy Francis Coffey.

Resolved, 8. "That Connor Howard was hrihed with 10 *l.* hy Thomas Mineter.

Resolved, 9. "That Arthur O'Donnell and John O'Donnell were induced to vote for Colonel White hy the promise of money made to them hy another Michael M'Namara, a solicitor.

Resolved, 10. "That John German, Peter Sexton, James Sexton, and Patrick D'Arcey, were bribed with 3 *l.* each hy John Cangley.

Resolved, 11. "That the treating of voters was largely carried on in the house of Stephen Shanks, with the knowledge and consent of Chartres Brew Maloney.

Resolved, 12. "That numerous voters received sums, varying from 1 *l.* upwards, for their travelling expenses, without due inquiry as to the amount actually expended hy the said voters, hut it was not proved that such hribery and treating was committed with the knowledge and consent of the said Colonel Luke White."

Parties called in, and informed of the Resolutions of the Committee.

Ordered, To report Resolutions, No. 1. 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12, to the Housa.

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MINUTES OF EVIDENCE.

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MINUTES OF EVIDENCE.

Jovis, 8° die Martii, 1860.

MEMBERS PRESENT:

Lord Stanley.	George S. Booth, Esq.
Charles Buxton, Esq.	John Walter, Esq.
Sir Philip Grey Egerton, Bart.	

LORD STANLEY IN THE CHAIR.

Counsel for the Sitting Member:—Sir *F. Slade*, Q. C., Mr. *Phinn*, Q. C., and Mr. *Welsby*.

Agents:—Messrs. *Holmes & Co.*

Counsel for the Petitioners:—Mr. *Wordsworth*, Q. C., and Mr. *Mundell*.

Agents:—Mr. *Baker* and Mr. *D. Coffey*, of Dublin.

The Petition of certain electors of the county of Clare against the election was read.

The usual preliminary resolutions were agreed to.

Mr. *Wordsworth* stated the case on behalf of the petitioners.

Mr. *Naylor* having been called in to give evidence,

Sir *F. Slade* was heard to object that the petitioners must prove their *locus standi*, according to the 2d section of the Election Petitions Act.

Mr. *Wordsworth* was heard in answer.

Sir *F. Slade* withdrew the objection.

JAMES RICHARD NAYLOR, Esq. was called in; and, having been sworn, was Examined by Mr. *Mundell*.

J. R. Naylor, Esq.

8 March 1860.

1. Do you produce from your custody the writ and the return in this election of the last year?—Yes.

2. What is the date of the writ and the date of the return?—The date of the writ is the 23d April, and the return is dated the 13th May.

Sir *F. Slade*. I do not ask you any question.

[The Witness was directed to withdraw.

Mr. RALPH CUSACK was called in; and, having been sworn, was Examined by Mr. *Mundell*.

Mr. *Ralph Cusack*.

3. ARE you a clerk of the Hanaper in the office at Dublin?—I am.

4. Do you produce the poll books for the last election for the county of Clare?—I produce 17 books.

5. These were delivered to you, and you have kept them ever since?—Yes; by the high sheriff of Clare.

Sir *Frederick Slade* submitted that the petitioners must prove their right to vote, and that they did vote.

Mr. *Wordsworth* intimated that Mr. Calcott had been sent for, and that he would be able to prove the identity of the parties.

[The Witness was directed to withdraw.

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FRANCIS MACNAMARA CALCOTT, Esq., called in, sworn, and Examined by Mr. *Wordsworth*.

F. M. Calcott, Esq.

3 March 1860.

6. WERE you one of the candidates for the last election of the county of Clare?—I was.

7. Will you be good enough to look at the signatures to the petition?—Yes.

8. Do you know these persons, Nicholas Butler and John Barrymore M'Namara?—I do.

9. Do you know whether they voted at the last election?—I was not present when they voted; I was not present when either of them voted.

10. Do you know their handwriting?—I do.

11. Is that the handwriting of both of them?—Yes, it is.

12. We will just refer to the poll book; I see here, "Nicholas Butler, of Upper Bunratty"?—I see "Nicholas Butler" here, but I cannot say whether that is the same person or not.

13. These persons whose handwriting you have spoken to as being their signatures to the petition, the first of them votes in that district?—Mr. Butler does; Mr. M'Namara does not.

14. Mr. M'Namara does not vote in that district?—No.

15. Where does Mr. Butler live?—Mr. Butler lives in that district, and votes in that district.

16. Sir *Frederick Slade*.] And you find him there?—I find Mr. Butler there.

17. Mr. *Wordsworth*.] And Mr. M'Namara?—Mr. M'Namara lives in the Ennistymon district.

18. How is he described in the poll book here?—I know Mr. John Barrymore M'Namara lives at Upper Bunratty.

19. Is that the same man?—Yes, it is.

20. Did he sign the petition?—Yes.

Cross-examined by Sir *Frederick Slade*.

21. You were one of the candidates, and unhappily the unsuccessful candidate?—Yes.

22. Were you returned in 1857?—I was.

23. Was there a petition against your return?—There was.

24. Did you compromise that petition?—I am aware that it was compromised; but I did not compromise it myself; I afterwards was obliged to agree to the terms of the compromise.

25. And I believe you paid a large sum of money?—Not a large sum of money.

26. £. 300?—I paid 300 *l*.

27. To whom?—I do not know to whom it was paid: it was paid to the agent of Sir John Fitzgerald.

28. Your opponent?—Yes.

29. You paid him 300 *l*. to compromise?—I cannot say; I left it in the hands of my friends.

30. But you were told what it was for, I suppose?—No doubt I was told.

31. You knew perfectly well it was paid to compromise it?—I heard it was paid after it was over.

32. Who was your colleague?—Lord Francis Conyngham.

33. What did he pay?—I cannot say; I could not take upon myself to state that.

34. Would 1,200 *l*. represent it?—I cannot say.

Chairman. He does not know.

35. Sir *F. Slade*.] Now, you had many agents at this election, had you not?—I believe I had five agents besides the conducting agent.

36. Was Mr. R. M'Namara one of your agents?—I think he was.

37. Did he receive a sum of 25 *l*.?—I cannot recollect now without the books; I sent in my accounts to the auditor.

38. There is the auditor's account; perhaps you will refresh your memory?—Yes; I believe I did.

39. Mr. *Wordsworth*.] Is this 1857 or 1859?—1859; this last election.

Sir *F. Slade*. The object of this, my Lord, is with reference to the recriminative case which we intend to open against this gentleman on account of his having prayed his seat.

Mr. *Wordsworth*.] We have abandoned that; Mr. Calcott does not pray the seat, and therefore, as far as he is concerned, it is quite out of the question. The electors who prayed the seat have abandoned that part of the prayer, and what we are proceeding upon now is the void election, nothing else. Therefore there is no pretence for saying we want the seat; we could not have got the seat except by scrutiny, which is a very expensive matter.

Sir *F. Slade*. It is the general practice, that if a gentleman prays the seat, or anybody prays the seat for him, the party against whom the petition is presented is entitled to go into the recriminatory evidence for the purpose of taking the opinion of the Committee. There is nothing to prevent the gentleman for whom the seat is prayed being able to stand upon his right, which is created by the seat being declared void.

Mr. *Wordsworth*. I made no objection to your question.

Sir *F. Slade*. If you made no objection why interrupt me?

Mr. *Wordsworth*. Because you stated it was necessary, and that you intended to open that.

Chairman. You have not objected, I understand, to this question.

Mr. *Wordsworth*. Certainly not.

40. Sir *F. Slade*.] Read the next name; was that an agent of yours?—I believe he was my conducting agent, Mr. Coffey.

41. That is the name above; I want the name below?—Mr. M'Cullam; I scarcely know him. I do not think I know him.

42. £. 25 was given to him?—£. 20.

43. Then the next name?—Mr. Barlow.

44. You know him?—I know him.

45. He was one of your agents?—Yes.

46. What did he receive?—£. 20.

47. The next name?—Mr. Coffey.

48. What did he receive?—£. 20.

49. He was also an agent, I suppose?—I suppose he was.

50. What is the following name?—Mr. Richards.

51. What did he receive?—His name is down for 20 *l*.

52. He

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52. He also was an agent?—I suppose he was; Mr. Coffey was my conducting agent.

53. Was the Ennistymon district the district in which you had the most influence on account of your property being situate in that neighbourhood?—Well, I cannot recollect; I had a considerable majority in Ennistymon and in Ennis. The greatest opposition was in Ennistymon, on account of Colonel White's large property there, and Colonel Macnamara, who was his proposer. I had more hostile opposition against me in Ennistymon than in any district in the county.

54. Do you remember the 10th May, when the poll was going on; the second day?—The second day I do.

55. Do you remember a man named Michael Cullen being dragged into your house?—The second day of the poll I was in Tullagh; so I do not recollect anything about it.

56. I will bring you to the first day of the poll; do you remember a man of the name of Michael Cullen going into your house?—No; I remember seeing Michael Cullen go with a letter to J. D. Wilson.

57. You were at the head of a mob on that occasion?—He was the driver or agent's bailiff for Mr. Lynch, and Mr. J. D. Wilson gave me a letter to give him, and I rushed out with the letter in my hand. There was a great deal of excitement, and a great mob in the streets, but I do not know whether he was dragged into the house or not; I do not know anything about it; I did not head any mob in Ennistymon or anywhere else.

Re-examined by Mr. *Wordsworth*.

58. My friend asked you about your agents; had you more than five agents at the last election?—I believe I had no more than those agents; there might be check clerks or others, but I understand there were no more than five agents.

F. M. Calcott, Esq.

8 March 1860.

59. Of these five, how many of them did you draft from Dublin?—All.

60. All the attorneys in the county, I believe, were employed by Colonel White, with the exception of how many for Colonel Vandeleur?—Mr. M'Cullam was Colonel Vandeleur's own professional man.

61. How many more had Colonel Vandeleur?—Colonel Vandeleur had also, I think, Mr. Watt, who lives on his property; and there was another, Mr. Garrod.

62. With the exception of those you have named, all the agents in the county of Clare were in the interest of Colonel White?—They were; and also some from Limerick.

63. Your agents were drafted in consequence from Dublin?—Yes, and I paid their travelling expenses as well as their fees.

64. £. 20 each, which you have spoken of as the remuneration of them, included their travelling expenses and their fees?—Their travelling expenses, and for being away from home.

65. You mention a man of the name of Coffey?—Mr. David Coffey.

66. Is that gentleman sitting here?—Yes.

67. He was your conducting agent at the election?—He was my conducting agent at the election.

68. Were the other gentlemen whose names you have given, and who were drawn from Dublin, all persons engaged by him by your authority?—Oh, certainly.

69. And he was your conducting agent?—Yes.

Mr. STEPHEN O'HALLORAN, called in, sworn, and Examined by Mr. *Mundell*.

70. WHERE do you live?—In the county of Clare.

71. In what town?—I live in the country.

72. Near what town?—I live three miles from Limerick.

73. Were you the election auditor, appointed for that purpose, of the last election?—I was.

74. Did you receive from any person any bills or any communication with reference to Colonel Luke White's accounts?—I received an account from Mr. Joynt.

75. Have you that account?—I have.

76. Will you produce it?

(*The account was produced*).

77. Who is Mr. Joynt?—He is an attorney at Limerick.

78. And I think he was conducting agent for Colonel White at the last election?—I know he has been acting for Colonel White.

79. When he handed you these accounts, did he say anything to you as to what he was?—Oh no, nothing particular; only that he was acting for Colonel White.

80. Is this the only document that you ever received from Mr. Joynt?—Excepting vouchers; I received a lot of vouchers with that.

81. Was when he brought you these accounts the first time that you had ever seen Mr. Joynt upon the subject?—Oh no; I had many conversations with him about the accounts; I applied to him for them.

82. When you applied to him for the accounts, what did Mr. Joynt say as to rendering them?—He promised me to let me have them as soon as possible, and he said he had a difficulty about getting several accounts from the other agents, and as soon as they were prepared he would let me have them.

Mr. *S. O'Halloran*.

83. Did he mention the names of any gentlemen who were the agents?—I rather think he did.

84. I will ask you, was any mention made—

Sir *F. Slade*. If this is the way in which you propose to prove the agency, I object, my Lord, at once. In the first place, it is not true that Mr. Joynt was an agent, and certainly not that other parties were agents; a man cannot make himself an agent by declaring himself to be an agent; he must do some act: and handing in accounts in this way would not make him an agent.

Mr. *Mundell*. I will not raise the question; I do not wish to raise unnecessary arguments, my Lord, if I can get rid of them.

85. But, however, to your recollection, the names of some other gentlemen were mentioned by Mr. Joynt at this time?—Yes.

86. As agents?—Yes.

87. He spoke of there being a difficulty in getting in the accounts?—Yes.

88. Do you remember how soon after the election

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tion was it that you had the first conversation with him?—The first conversation I had with him was in the early part of September; I received a letter from him in the month of June before that from London, promising me he would send me the accounts.

89. Have you the letter?—Yes.

90. Will you give it to me?

91. Sir *F. Slade.*] Is it relating to this business?—It is relating to the accounts.

92. Mr. *Mundell.*] Is this letter of the 15th June in the handwriting of Mr. Joynt (*handing the letter to Witness*)?—I believe it is.

93. You received it from him?—Yes.

94. Was that the first communication you received with reference to the election?—It was.

95. After that when did you see Mr. Joynt?—Not until September, I think.

96. In the interval between June and September, did you receive from him any accounts whatever?—No.

97. Was it in September that he handed to you this account?—No.

98. When was it?—In January 1860.

99. Am I right in saying that until the end of January or the beginning of February 1860 you never received any account from Mr. Joynt?—No; I received an account of what parties he wished me to pay; he sent me Carnady's account of Ennis to pay, and I paid it; that was for car hire.

100. How much was that?—£. 62 10 *s.*

101. With that exception, did you make any other payment, or receive any other account until January or February in this year?—No; I have Mr. Carnady's account here; I forgot, at the moment, that I had it here.

102. From whom did you receive that paper?—From Mr. Joynt.

103. Did you see him personally, or did he transmit it to you?—I received it by letter.

104. Have you the letter which accompanied that?—I rather think I have.

105. This you received on the 19th January in this year?—Yes.

(*Mr. Carnady's account, amounting to 78 l., was handed in and read*).

106. Did this letter, dated 19 January 1860, accompany it?—Yes. (*The same was read.*)

107. Was there any other paper enclosed in that letter?—A cheque.

108. In whose handwriting is the endorsement "Cheque 55 *l.* enclosed"?—Mr. Joynt's.

109. Did you see Carnady, and pay him the amount?—I did.

110. He received it?—He received it.

111. Did you take a receipt?—No; he received the amount for the debt, but he wrote to me to say that the attorney required more than 2 *l.* 10 *s.* for costs, and that until I settled the balance of the costs he could not give me a receipt; I sent that letter to Mr. Joynt, and he and Carnady, I presume, arranged it.

112. He received the debt without prejudice to the costs?—Exactly.

113. You have mentioned that you received a cheque and a bill?—Yes.

114. Up to that time had you received any account excepting that of Carnady's?—No.

115. How soon after that did you see Mr. Joynt upon the subject of the accounts?—I saw Mr. Joynt at the end of January or the beginning of February.

116. Is this the paper that he handed to you?—That is the account he gave me.

117. Did he hand to you at the same time any vouchers in respect of this account?—Yes.

118. How many?—A great many, but I really cannot tell you how many; I did not count them. I have them all here; every voucher that he handed to me.

119. Do those vouchers, generally speaking, consist of the bills themselves, or did they consist of receipts in respect of those payments which are set out here?—They consist of receipts for the payments, but not for all the payments; and in some instances the receipts are accompanied by the bills sent in.

120. How many bills do you think there are with receipts attached to them?—I really could not tell you how many there are.

121. Perhaps you will look at that presently; may I take it that for the most part they are only receipts for the payments in this bill?—There are not receipts for all; there are items in that account which there are no receipts for.

122. Are those payments of large sums?—I see one in particular; the account of the conducting agents is marked down as paid, and I have no receipt for that.

123. That is a sum of 92 *l.* 6 *s.* 2 *d.*?—Yes.

124. Is there any name vouched to it as the conducting agent?—No, not all.

125. I see in the item following that there is one conducting agent at Ennis, and then three inspectors 9 *l.* 3 *s.* 11 *d.* each; have you any receipts for those?—No.

126. Or for persuating agents 9 *l.* 3 *s.* 11 *d.*?—No.

127. Have you any receipts for four inspectors at Tullagh?—No.

128. Have you any receipts in respect of payments made to agents?—Not for agents; I have for check clerks and polling clerks.

129. That appears in a different part of the account?—Yes.

130. I am speaking of that part of the account, the total of which amounts to 390 *l.* 16 *s.* 6 *d.*; have you any receipt, with any names attached, for any of those payments?—Not that I can find.

131. Going to the subject of check clerks, have you, for the most part, receipts with the names attached for all those?—I rather think I have; I would not be positive about it.

132. Did any money ever come into your hands to pay any single account, with the exception of the amount paid to Carnady?—No.

133. Not a farthing?—No.

134. Then, with the exception of those bills, you do not know of any of this money having been paid of your own knowledge?—Not of my own knowledge.

135. You have paid no one, except that account of Carnady's?—No.

136. I believe you have, in the course of your duty, added up this account, and I believe the aggregate of it is somewhere about 2,500 *l.*—Somewhere about that, I think.

137. You represent yourself as living in Clare; are you a voter yourself?—I am.

138. In what district did you vote?—At the Six Mile Bridge polling-place.

139. Were you a supporter of Colonel Luke White?—No.

140. Had you any occasion to be there during the time of the election, to see how it was conducted?—Officially do you mean?

141. No,

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141. No, I do not mean officially?—I was there and voted.

142. Did you see any one acting there as agent on the part of Colonel White?—Yes, I did.

143. Who was that?—Mr. John Frost, an attorney at Clare.

144. Where did you see him?—I saw him attending in the booth.

145. With regard to bringing voters to the poll?—I do not know that he was bringing them to the poll.

146. Was there a committee room there of Colonel Luke White's?—I am not aware that there was.

147. You saw Mr. Frost there acting at the booth on behalf of Colonel White?—Yes.

148. Had you occasion to go to any other of the polling districts?—No; I went there on the first day of the polling.

149. With that exception, you had no opportunity of seeing how the election was conducted?—No.

150. Were you at the nomination at Ennis?—No, I was not.

151. In fact, you have had no personal opportunity of knowing what took place, except at Six Mile Bridge?—No; I was only there on the first day of the polling.

[By permission of the Committee, the cross-examination of this gentleman was postponed, in consequence of the absence of Counsel.]

HENRY GREEN, Esq. was called in; and, having been sworn, was Examined by Mr. *Mundell*.

H. Green, Esq.

152. WERE you the High Sheriff for the county of Clare acting in the last election?—Yes, I was.

153. Have you certain appointments of agents made by Colonel White in respect of that election?—I have a few (*producing some documents*).

154. By whom were those handed to you?—They were not handed to me at all; they were handed to the deputy sheriffs in the different booths. There are deputy sheriffs appointed for the different booths, and they receive these papers in the different booths. After he takes his seat on the morning of the polling, he receives them.

155. Do you know Colonel White's handwriting?—I have seen him write.

156. Are the signatures to these papers his?—I believe them to be so.

(*The appointments were read.*)

157. Did you receive at any other time any other papers than those?—Not from Colonel White.

158. Had you any meeting with any agents of the parties, so as to make preliminary arrangements for the election?—Yes; there was a meeting at my house an evening or two before the nomination.

159. Who attended that meeting?—Mr. Callenham, acting as the agent of Colonel Vandeleur, and Mr. Coffey for Mr. Calcott, and Mr. Michael Kenny for Colonel White; and there were other parties.

160. Was there any arrangement come to at that meeting as to the payment of money, or securing to you the costs of the election?—Yes; they agreed to pay the expenses of the election.

161. Was any money paid to you by any one on behalf of Colonel White?—Yes.

162. Who paid you any money?—Mr. Joynt.

163. Mr. Joynt was there, was he not?—No; there were no expenses paid that night, but the agents undertook to pay them.

164. Who undertook to pay you on account of Colonel White?—Michael Kenny.

165. They were to deposit a sum of money with you, I believe, by way of security to cover the expenses?—They undertook to pay; I was quite satisfied.

166. How long after the election was it that you received any money from Joynt?—Some time.

167. How long?—I could not charge my memory.

168. Was it before September?—I think it was within a month of the time after the election was over, but I cannot say positively. It must have been more than a month, I think.

169. Did you receive any money from Mr. Joynt in respect of that expense?—I did.

170. About 70*l.*, I believe?—I received more from Mr. Joynt than from any of the candidates; for this reason, that he served a notice upon me on the day of the nomination, calling for additional booths, which he was entitled to do, according to Act of Parliament. Those cost him, I think, 50*l.* in addition to the expenses of the other candidates.

171. You have said that additional booths were ordered; who asked you to supply them?—Colonel White.

172. Himself personally?—He served me with notice.

173. Have you that notice?—I have (*producing it*).

174. Do you know in whose handwriting the body of that is?—It is Matthew Kenny's handwriting, conducting agent to Colonel White.

175. From whom did you receive payment in respect of those additional polling places?—I had it from Mr. Joynt, along with the other sum.

176. Where were you stationed?—I was in Ennis.

177. When the different parties were brought up to the poll, who brought them?—I cannot tell you.

178. You cannot name any persons who did so?—No; I was not stationed at any particular place, because when I had made arrangements for the polling, I had nothing more to do.

179. You have spoken of Mr. Kenny and Mr. Joynt; had you any communication with any other gentleman on behalf of Colonel White during the election?—I think not.

180. I mean through professional men?—I think not.

181. Had you any communication with Mr. M'Namara, for instance, during the election?—Certainly not.

182. Do you know Mr. M'Namara?—Yes.

183. Did you see him at Ennis during the election?—I did.

184. What was he doing?—I cannot say; but he was busy there, of course. I did not see him doing anything there in particular.

185. Did you see him with Mr. Kenny?—Certainly not.

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186. Where was Colonel White's committee room in Ennis?—I had no occasion to go there; but he had a committee room; it was in the house, I think, of Mr. M'Guire, but I was never in it at that time.

Mr. *Welsby.* I have not anything to ask you.

[The Witness was directed to withdraw.

Mr. STEPHEN O'HALLORAN was again called in, and cross-examined by Mr. *Welsby.*

Mr. S. O'Halloran.

187. I BELIEVE you produced an account which was given to you by Mr. Joynt, on behalf of Colonel White, and also some vouchers relating to that account?—Yes.

188. Did you get them from Mr. Joynt at the same time?—I did.

189. Where are the vouchers?—I have them here (*producing the same*).

190. Do they represent all the payments that appear in the accounts?—No.

191. What do they not represent?—I could not tell you all; but there are some that they do not represent.

192. They do not represent the 62 *l.* you paid for cars?—I have a voucher for that; at least I have an account for it.

193. What are the exceptions?—The conducting agent's receipts are not here.

194. With the exception of those matters you have stated, 62 *l.* 10 *s.* for car hire, the vouchers given to you by Mr. Joynt represent all the payments?—I do not think they represent all.

195. Nearly all?—Nearly all.

196. Was there not an arrangement between Mr. Joynt and yourself, that for the purpose of saving you trouble, he should make the payments, and render you the vouchers?—No.

197. Was there no such arrangement?—No; I will mention what it was. In September I had a conversation with Mr. Joynt about the accounts, and he said he had a difficulty in getting them from the different agents, but as soon as he had them he would let me know. I proposed to him then, that when the accounts were ready, we should meet in Ennis, as a central part of the county, on a particular day, having given notice to the various claimants to meet us, and that, in order to save the necessity of transferring the money from his account to mine, the money should remain in his account at the bank, but that we should give joint cheques for the payment of these parties. That was the arrangement.

198. Was that arrangement carried into effect?—No.

199. How was that?—Mr. Joynt paid the accounts, I presume; he told me he did.

200. He brought you the vouchers for them?—Yes.

201. When and how did you get Mr. Calcott's account?—I got a return from Mr. Coffey of the sums of money to be paid by Mr. Calcott.

202. When?—In December. I had paid previously some accounts for Mr. Calcott, which he sent me in September, first of all.

203. Where were they paid?—I paid for car hire; and a man named Hartell and I paid Mr. Frost, an attorney, for house-rent in Tullah.

204. By Mr. Coffey's request?—Yes, by his desire by letter.

205. You did not get any bills till December, I understand?—I got in December an account to pay parties.

206. When were these payments made?—On the 11th December I made the first.

207. When did you get the vouchers?—At the time the payments were made.

208. How long did the payments run over?—The payments are not concluded yet.

209. How is that?—There are some payments in Kilrush that I have not made yet.

210. Are those claims recently made?—No, they were made at the time Mr. Coffey sent me in the account.

211. How is it that these are not yet satisfied?—There was some mistake about the names, and I applied to a party in Kilrush to find out for me the proper parties to be paid, and he wrote and told me that the list I sent to him had some wrong names in it, and he would communicate to Mr. Coffey about it.

212. How much do they amount to?—Some very small sum.

213. Mr. *Wordsworth.*] How much do you think?—I should think they would not amount to above 15 *l.* perhaps.

214. Mr. *Welsby.*] You say that you saw Mr. Frost doing something at the booth at Six Mile Bridge; what was it?—Acting in the general way I have seen solicitors act at the booths to a candidate.

215. What is that general way?—Standing up, questioning parties about the votes, and objecting to other votes.

216. Objecting to votes?—Questioning votes in the usual way solicitors act.

217. Was he sitting, or standing up?—Both one and the other; and walking about, and in and out.

218. You are aware that Mr. Frost is inspector of the booths?—I am not.

219. Was he not doing such matters as inspectors of the booths can properly do?—Just so.

220. Anything more, to your knowledge?—Not to my knowledge.

221. Have you Mr. Calcott's accounts here?—I have his accounts.

222. Have you the receipts of the agents?—I did not pay any.

223. Who paid them?—I do not know.

224. How did they find their way into that account?—I have an account here which was furnished by Mr. Coffey.

225. These are not payments made by you at all?—No; I did not pay Mr. Coffey.

226. All you know is, that these payments have been returned to you by Mr. Coffey, as having been made on Mr. Calcott's account?—Yes.

227. How much of the whole of that account have you paid?—Perhaps about 200 *l.*

228. Out of 500 *l.* odd?—Yes.

229. All that appears in this account rendered to you by Mr. Coffey was paid by him?—No, not all; I paid a good deal of that myself; I paid nearly all the inspectors.

230. Miscellaneous expenses previous to the election were not paid by you?—No.

231. Or

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231. Or the inspectors?—I paid some; I paid none of the professionals.

232. Or non-professionals?—No.

233. Who paid the check clerks?—I did.

234. The out-agents and tally clerks?—Yes; I paid them, or a great many of them. I do not say that I paid all that are down here.

235. The rent of the tally rooms?—I paid Mr. Pearson 8 *l.*

236. Mr. Coffey paid the rest, did he?—I paid car hire to Calligan.

237. The result of your statement is, that out of this you paid somewhere about 200 *l.*?—Yes.

238. Have you had any further payments made in respect of Mr. Calcott's expenses since you made the last payment?—No; I have no further account sent in to me since.

239. No further claim made by any parties?—Not since I paid the last.

Re-examined by Mr. *Wordsworth.*

240. When did you make the last payment?—I should think about three weeks ago.

241. Look at this account, which you have produced; I think you find all the names given of gentlemen returned as agents?—Yes; I see seven returned.

242. The total amount is between 400 *l.* and 500 *l.*?—Yes.

243. Of that you paid 200 *l.*?—Yes.

244. Tell me how much these professional charges would amount to which you did not pay?—About 20 *l.*

245. So that there would remain about 90 *l.* of small sums which you did not disburse?—Which I did not disburse; then there are 50 *l.* to the sheriff I did not pay.

246. You received the money, and paid these accounts yourself?—Yes.

247. I suppose you have receipts in reference to those payments?—Yes; but they are at home; I did not bring them here.

248. Have you a paper appointing any one as agent for election expenses on behalf of Colonel White?—I have (*producing the same*).

249. Produce the appointment of Mr. Slenny and Mr. B. M'Namara?—I have them both here (*producing the same*).

[The Witness was directed to withdraw.

MICHAEL HOULIHAN was called in; and, having been sworn, was Examined by Mr. *Mundell.*

Michael Houlihan.

250. You are not a voter, I believe; you do not vote for the county of Clare?—No.

251. Do you remember the time of the election?—I do.

252. Was that some time in May?—Yes; about the 10th.

253. Do you remember the first polling day?—Yes, I do.

254. Did you see, upon that day, two men named Michael O'Dea and Patrick Lynch?—I did.

255. Did they come up to you, and have some conversation with you?—They were standing on the flags when I came up.

256. You saw these two men?—I did.

257. Were were they?—In the town of Kilrush.

258. Were they in the town street there?—In the town street.

259. Did you have some conversation with these two men?—Yes.

260. Tell me what that was?—They told me to go to Frank Coffey, and see what he would give for a plump vote.

261. *Chairman.*] I did not quite hear that answer; what did you say?

262. Mr. *Mundell.*] Just say again what you said to me; say it to my Lord?—They desired me to go to Francis Coffey; they were standing right opposite to him; and see what he would give them for two plump votes.

263. Did you then go and speak to Coffey?—I went and spoke to Frank Coffey.

264. What did you say to him?—I asked him what he would give for two plump votes, and he said 6 *l.* a piece.

265. How far off were these two men, O'Dea and Lynch, at that time?—We were standing in the centre of the road, and they were standing right opposite to us.

266. The length of this room?—I suppose about as far as from here to there.

267. What did Coffey tell you after he had spoken about the 6 *l.* a piece?—He told me to go over and call them back, and so I did; they turned on one side; I do not know what further conversation they had, but they went into the road again, and he pulled out his book, and wrote something which I did not see, and handed it to Johnny Molowney.

268. Mr. *Welsby.*] Handed what?—Handed it to Johnny Molowney.

269. Mr. *Mundell.*] What was the thing he handed?—What he wrote.

270. He wrote something on a slip of paper, and handed the slip of paper to a man named John Molowney?—Yes, and desired them to go off to the poll.

271. Was anything said about lodging the money anywhere?—It was agreed.

272. Mr. *Welsby.*] Do not tell us what was agreed, tell us what was said.

273. Mr. *Mundell.*] Did Mr. Coffey say anything as to money being lodged?—It was to be lodged.

274. Who said that?—Francis Coffey.

275. What did Francis Coffey say about the lodging of the money?—The other two men said they would not poll until they got the money, and the money should be lodged in my hands.

276. Mr. *Welsby.*] Did you hear them say that?—I did.

277. Mr. *Mundell.*] What did Coffey say to that?—He said he was satisfied, and gave us a slip of paper, and told us to go off to the poll.

278. Was anything said about the money being lodged in any one's hands?—The two men said that it should be lodged in my hands before they would vote.

279. What did Mr. Coffey say to that?—Mr. Coffey said he was satisfied.

280. Did he tell them where these two men were to go?—He handed the slip of paper to Johnny Molowney, and told us to go off to the poll.

281. Do you remember anything about any tally rooms; were there any tally rooms in the town of Kilrush?—Yes; we went into a tally room.

282. Where was that tally room?—About the court house.

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Michael Houlihan.

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283. Was it in a private house or a public house?—In a private house.

284. Do you know whose house it was?—I do not know whose house it was.

285. Who went down to this tally room in the private house?—The two men and me.

286. That was O'Dea and Lynch and you?—Yes.

287. Where did Molowney go?—Molowney went, and they called me into a room there, and gave me 12 *l.*

288. *Chairman.*] Who gave you that?—Molowney.

289. Mr. *Mundell.*] In what money was that?—The 12 *l.* to give the two men.

290. But what kind of money?—Bank notes.

291. After that did the men do anything?—The men came to the poll; I came out and told them I had got the 6 *l.*, and they were to go and poll; it was all right; I had got the money.

292. Did you see these two men poll?—No, I did not.

293. These two men were Michael O'Dea and Patrick Lynch?—Yes.

294. Do you know where these men live?—I do.

295. Where do they live?—In Mauveen.

296. These were two men who lived at Mauveen?—Yes.

297. What did you do with the money?—They came out; I asked them if they had polled, and they said they had; we went off together, and I gave them 6 *l.* a piece.

298. You gave to each of them 6 *l.* a piece?—Yes.

299. Do you know a man named Michael Lynch?—I do.

300. Is he a voter?—Yes.

301. Does he live at Mauveen?—He does; he is a brother of Pat Lynch.

302. Did you have any conversation with him as to his vote?—After it was done, and we were going out into the street, we met him, and asked him for his vote.

303. You say "we met him;" do you mean yourself and Patrick Lynch and Michael O'Dea?—Yes; he is brother to Patrick Lynch.

304. You say you met him and asked him for his vote; what did you say to him?—We both did.

305. What was said to him?—To go and take the money to vote.

306. Just tell us, as near as you can, what passed?—He winked and laughed, and went to the poll room; I did not see him voting, but after he voted I saw him getting 6 *l.*

307. By whom was that paid to him; where was it paid first?—It was paid in Kilrush.

308. In what house?—I do not know the house.

309. By whom was it paid?—By Michael Macnamara of Kilkee.

310. Who was Michael Macnamara?—He was land bailiff of Mr. Joseph Studdart.

311. You say you cannot tell exactly the house in which it was paid?—No.

312. Was it a private house or a public house?—A private house.

313. Was it a house of entertainment?—There was entertainment.

314. Was it a licensed house?—I do not know whether it was or not, but there was drink on the table.

315. What you call "hard stuff" on the table?—Yes.

316. Now, had you had any directions from Mr. Francis Coffey as to what you were to do?—I had not until I had settled with these two, and then he said I was to go to work as well as I could, and he would see me well paid.

317. Do you know a man named Timothy Molowney?—Yes.

318. Where does he live?—At Mauveen.

319. Did you have any conversation with him about his vote?—I had.

320. What passed between you two?—He and John Molowney both came together to me, and they desired me to go off and get 6 *l.* a piece for them for their plump votes.

321. After their telling you that, did you go anywhere?—I went in search of Coffey, and I met him and told him I had these two men for him; he desired me to bring his brother Pat down to the tally room and he would pay him; I went off, and he came down to the tally room, and I left him in the tally room; I did not see him voting, but the next day he came to me and said he had only got 4 *l.*

322. Did you have any conversation with Mr. Coffey about this afterwards; about what you had done?—When the election was over I followed Mr. Coffey into Captain Smith's, in Kilrush, and he desired me to go on, and all the bills would be paid.

323. Have you had anything for your trouble yet?—Not a farthing.

324. Have you made out any bill for your services; for the work that you did?—No, indeed.

Cross-examined by Mr. *Welsby.*

325. You have not made out a bill, have you?—No.

326. How much do you charge?—I charged nothing, but he said he would see me paid as well as any man.

327. How much do you expect to get?—I expect 5 *l.* or 6 *l.*

328. He refused to pay you a halfpenny, did he not?—He did not refuse to give it to me; he was always promising me.

329. Where did he last promise it?—In Kilkee.

330. When; how long after the election?—He promised it me a few days after the election.

331. That is the last time, was it?—He promised me sometime in August last.

332. Did you not send in a written bill?—No, I did not.

333. What are you?—I am a publican.

334. Where?—At Kilkee.

335. Are you licensed, or do you keep a beer-shop, or what?—Spirits and porter.

336. Have you got a license?—Yes.

337. Who is Mr. Pat Coffey?—I do not know Mr. Pat Coffey.

338. You do not know who he is or where he is?—No.

339. Where does he live; do you know that?—No.

Mr. *Wordsworth.*] It is Mr. Frank Coffey.

340. Mr. *Welsby.*] It is my mistake, I find; I mean Mr. Frank Coffey; what is he?—I know he was a road contractor in Kilkee; I recollect he was an agent to Mr. Burrows.

341. Are these men here; is O'Dea here?—Yes.

342. And the other man, Lynch, is he here?—Yes.

343. And

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343. And Pat Lynch; is he here?—Yes.
344. Did you know Mr Coffey before this time; before the election?—I did.
345. How long?—For the last 12 years.
346. Where?—In Kilkee.
347. Can you read and write?—Yes.
348. You say there was 12*l.* in notes; what notes were they?—Four three-pound notes, of 3*l.* each.
349. Of what bank?—I do not know.
350. Did you not look at them and examine them?—No, I did not; I did not look what bank.
351. But you are sure they were three-pound notes; 3*l.* each?—Perfectly sure.
352. When did you come to London?—I left Friday morning.
353. Who brought you here; who did you come with?—I was prosecuted down here.
354. Mr. *Wordsworth.*] You mean processed?—Yes.
355. Mr. *Welsby.*] When did you tell all this that you have been telling the Committee; when did you first mention it, and to whom?—To whom did I first mention?
356. Yes; about this 6*l.*?—To a neighbour of mine.
357. What is his name?—Thomas Collins.
358. What is he?—He lives in Kilkee.
359. What is he?—He is a farmer.
360. When did you mention it to him?—Oh, then, I do not recollect it, sir.

Michael Houlihan.

8 March 1860.

361. How long before you came here?—Shortly after the election.
362. How long after the election?—It was in the very same month.
363. The same month as the election, upon your oath?—Upon my oath.
364. Was that before or after you had made a claim and got no money; was it after that?—It was.
365. Then you mentioned it to Mr. Collins?—Yes.
366. Had you ever mentioned it to anybody before?—I do not recollect.
367. Who took down your evidence that you have now been telling us?—An attorney in Limerick.
368. What is his name?—I forget his name.
369. Is he in London?—I don't know.
370. Mr. *Mundell.*] His name is Howe, I believe?—To the best of my belief, I think Howe is his name.
371. Mr. *Welsby.*] When was it; how long ago?—Sometime in the week before last.
372. Is that the first time any written statement was ever taken down from you?—Yes, it is.
373. Is Johnny Molowney here?—I did not see him.
374. Is Tim Molowney here?—I did not see him.

[The Witness was directed to withdraw.

MICHAEL O'DEA was called in; and, having been sworn, was Examined by Mr. *Wordsworth.*

375. Do you live in the county of Clare?—I do not understand you, sir.
376. Are you a voter in the county of Clare?—I am out in the county of Clare.
377. But are you a voter?—I do not understand what you mean.
378. Do you not speak English?—I speak a very few words; I would not understand English.

Mr. *Welsby.*] You had better have an Irish interpreter.

Mr. *Wordsworth.*] I am afraid we must resort to an interpreter.

James O'Dea, having been called in, was sworn to act as an interpeter.

[Mr. *Phinn* objected to this person acting as an interpreter, he being a witness in the case, but upon being informed that he was only a formal witness, withdrew the objection.]

379. Mr. *Phinn*] (to the Witness, *James O'Dea.*)—Do you understand Irish well?—Yes.
380. Do you talk in it?—Yes.
381. And English too?—Yes.

Mr. *Wordsworth.*] Now, attend to me, and repeat to the Witness my question. My question will be in English, and your question to him will be in Irish; and you will give us the answer.

382. (To the Witness, *Michael O'Dea.*) Are you a voter in the County of Clare?—I am.
383. Did you vote at the last election for the county?—I did.
384. For whom did you vote?—Colonel White. I was going to give half of my vote to Mr. Calcott, but I would not get anything from Mr. Coffey for it.
385. What Mr. Coffey was that; Mr. Francis Coffey?—Frank Coffey.

M. O'Dea.

386. My question was for whom did you vote?—I voted for Colonel White.
387. Only?—I voted for Colonel White, because I got 6*l.* for it.
388. Who gave you that 6*l.*?—Michael Houlihan.
389. Was anyone present, when he gave you that 6*l.*?—There was another man, who voted along with me.
390. What is his name?—Pat Lynch.

Cross-examined by Mr. *Welsby.*

391. Where was it Michael Houlihan gave it to you?—After I came out to vote.
392. Where; in the street?—Beyond the Market-house, in the street.
393. What money was it in; what sort of money?—In notes.
394. What notes?—There was no place I went to with one of them, but what I got 1*l.* for it. I have no learning.
395. Every place you went to, with one of them, you got 1*l.* for it?—That is it.
396. How many places did you go to, to get 1*l.*; six?—I do not know; but at every place where I wanted to get 1*l.* for my use, I got 1*l.* for it.
397. You got 1*l.* for each of the notes, do we understand that?—I went for the change of one of the notes, and I got 1*l.* for it.
398. Mr. *Wordsworth.*] How many notes did you get?—Six.

[The Witness was directed to withdraw.

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PATRICK LYNCH was called in; and having been sworn, was Examined by Mr. *Mundell*.

P. Lynch.
8 March 1860.

399. Do you remember being with Michael O'Dea, upon the first day of the polling for the Clare election?—I do.

400. Do you remember seeing Michael Houlihan, that day?—I do.

401. Did you have a conversation with Mr. Francis Coffey on that day?—Yes.

402. Did you go and poll with Michael O'Dea?—Yes; we had a bargain.

403. I do not want to go through it all, but you had a bargain, and you went to the poll with Michael O'Dea?—Yes.

404. What was the kind of bargain, as to what you would get?—He told me we would get 6 *l.*

405. £.6 for what?—For a plump vote.

406. Was any money paid by Mr. Coffey, in your presence, to anyone?—I did not see him.

407. Did you get any money, from anyone on that day, after you had voted?—I did; I got 6 *l.*

406. From whom?—From Michael Houlihan.

409. Where did he pay you?—I forget the name of the house, but he paid me.

410. Have you a brother, named Michael?—I have.

411. Did you see him with Coffey?—I did.

412. Did you hear anything pass between Coffey, and your brother?—Yes; when we were coming out of the polling, we met my brother, and we told him about the bargain.

413. You met your brother, and told your brother something?—Yes.

414. What was that?—That he would get 6 *l.* for his plump vote, from Mr. Coffey.

415. Did you go and see Mr. Coffey, with your brother?—We went to Mr. Coffey, and he told Mike he would get 6 *l.* after the polling.

416. Who was it that he spoke to, when he spoke about getting 6 *l.* after the polling, was it your brother Michael Lynch, or some other person?—It was Michael Lynch, my brother.

417. Do you know a man named Michael Macnamara?—I do.

418. Was he there, when you saw Mr. Coffey?—He was.

419. Did Michael Macnamara hear what Mr. Coffey said to your brother, Michael Lynch?—He did.

420. After your brother had polled, did you see Michael Macnamara do anything with regard to your brother?—He did; he gave him 6 *l.*

421. Where was that?—I do not know what house it was in; it was near the Court House.

422. It was near the Court House, where the polling was, but you do not know the name of the house?—I do not.

423. Was it a licensed house, or a private house?—I do not know; there was some liquor selling in the house.

424. There was some liquor in the house?—Yes.

425. You have told us that it was in a house, that this money was paid to your brother Michael; where was it that your own money was paid to you by Houlihan?—It was in another house.

Cross-examined by Mr. *Phinn*.

426. Were you pretty sober when you got the money, or had you been drinking pretty much?—We took a drop.

427. A good many drops, did you not?—We did not take too much.

428. You never can take too much, can you?—No.

429. You saw your brother paid in a house; you are quite sure of that?—I am.

430. And you yourself, were paid in a house?—I was.

431. And O'Dea?—Yes.

432. Were you all paid in the same house?—Not in the same house.

433. Were you all paid in separate houses?—I, and O'Dea was paid in one house together.

434. And your brother?—No.

435. Where was he paid?—I forget the name of the house.

436. What is the name of the house in which you were paid?—I forget the name of it.

437. Were you not perfectly drunk?—I was not drunk.

438. What time of the day was it?—I do not rightly know.

439. How far do you live from the town of Kilkee?—About 12 or 13 miles.

440. Had you come in that morning?—Yes.

441. Had you not been drinking all the morning?—No.

442. Had you had a good drop of drink in the morning?—No.

443. What had you had now?—I took no drink in the morning.

444. Can you tell the Committee what time you polled?—I cannot.

445. Was it before dinner, or after?—I am not sure which.

446. You are not sure whether it was before dinner, or after?—No.

447. You are in the habit of going to Kilkee, are you not?—Oh, yes.

448. Frequently?—Yes.

449. You go to market there, I suppose?—I do.

450. What day is the market day?—There is no day appointed for market there.

451. Do you go once or twice a week down to Kilkee?—Sometimes I do.

452. Can you not tell us either of these houses where you were paid, or your brother was paid?—I do not know them.

453. It is a very little town, is it not?—Middling.

454. What do you call middling; how many publics are there in Kilkee; how many do you know of?—I know of some.

455. I should think you did; how many of them do you know of?—I declare, I do not know.

456. But you know most of the publics in the town, do you not?—I know some of them.

457. Was the house where you were paid a house that you had ever been to before?—I do not think I was.

458. And the house your brother was paid in; were you ever in that before?—I am not sure whether I was.

459. Can you tell us the street in which either of these houses was?—I do not understand you.

460. There are streets in Kilkee, are there not?—Yes.

Mr.

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Mr. *Wordsworth.*] It is Kilrush, not Kilkee, where this transaction occurred; there is the confusion.

461. Mr. *Phinn.*] It is in Kilrush that you were paid?—Yes.

462. Now there are streets in the town, are there not?—There is.

463. In what street was it you were paid?—That I do not know.

464. In which street was the house that your brother was paid in?—It was near the Court House.

465. That you were paid in, or your brother?—Yes.

466. Which?—Near the Court House.

467. Was it near the Court House that you were paid, or near the Court House that your brother was paid?—It was.

468. Were you paid in one house?—Yes.

469. Where was that?—West from the Market House.

470. What street was it in?—I do not know the name of it.

471. How far was that from where your brother was paid?—I do not know the distance.

472. Who was paid first?—I was.

473. How long after was your brother paid?—I do not know.

474. Had anyone asked you to vote before for Mr. Calcott?—No.

475. Had not some one offered you money to vote for Mr. Calcott, just recollect yourself, before you went to Kilrush this day; now, come, speak up?—I cannot hardly understand you.

476. Had any one offered you money if you would vote for Mr. Calcott?—No one.

477. You swear that?—No one.

478. Will you swear that no one had offered you money to vote for Mr. Calcott?—Did anyone offer me money to vote for Mr. Calcott? *P. Lynch.* 8 March 1860.

479. Yes?—No they did not.

480. Did they not say you would have your expenses, if you would vote for Mr. Calcott?—No.

481. No one asked you to vote for Mr. Calcott?—No, no one did.

482. Who is your landlord?—Mr. Ralph Westropp.

483. He lives at Kilkee?—No.

484. Where does he live?—Near Tullagh.

485. Who is the agent of that property?—One O'Callaghan.

486. Did he offer you money to vote for Mr. Calcott?—Never.

Re-examined by Mr. *Mundell.*

487. Had you been paid your money before the conversation that you had with your brother, Michael Lynch, about his vote?—Yes.

488. You have been asked whether you know the town of Kilrush; do you ever come there to market?—I do.

489. Do you know the public-houses?—I do.

490. Where do you go when you go to market?—To different places.

491. Which public house do you go to?—I do not know.

492. Was it a house you had ever been in before, where your brother was paid?—I do not know that I ever was there before.

493. Did you walk into the town?—I walked.

494. You had no car?—I had no car.

[The Witness was directed to withdraw.

MALACHI FOLEY was called; and, having been sworn, was Examined by Mr. *Wordsworth.*

495. ARE you a voter for the county of Clare?—I am, sir. *M. Foley.*

496. Did you vote at the last election?—I did.

497. For whom did you vote?—For Colonel White.

498. And for no one else?—No, sir.

499. What did you get for it; did you get anything?—No, I did not.

500. Do you know Mr. Francis Coffey?—I do.

501. Do you remember, on the first day of the poll, being sent for to go to him?—I do.

502. Did you see him?—I did.

503. What did he say to you?—He asked me, did I poll yet.

504. He asked you whether you had polled?—Yes, and I told him I did not.

505. That you had not?—That I had not, and then he told me to go and poll, and I would be paid as much as any man would get.

506. How much was mentioned?—I asked him how much was that, and he told me 6*l.*

507. Is that all that passed between you then?—No, it is not.

508. What else was said?—I went and voted then.

509. You voted for Colonel White?—I voted for Colonel White.

510. After you had voted, do you remember going up the street;—I do.

511. Did a person call after you and tell you that Mr. Coffey wanted you?—He did.

512. What did he want you for?—He said, "That blackguard, Malachi Foley, thought to rob me."

513. Anything else?—I was not listening to that; others told me.

514. Did you go to Mr. Coffey?—I did.

515. In consequence of being called?—I did, and when I spoke to Mr. Coffey, he asked me why did I vote for Calcott and Vandeleur.

516. What did you say to that?—I told him I did not, and he told me I did, and told me to get out of his sight.

517. Had you, in point of fact, voted for Colonel White, and Colonel White only?—I do not understand that.

518. For whom had you voted?—For Colonel White.

519. And no one else?—No one else.

520. Did you tell him so?—I did, but he would not believe me.

521. And he told you to get out of his sight?—Yes.

522. Upon that what occurred?—Upon that I went to his father-in-law, and my landlord.

523. Do you know Mr. F. Coffey's father-in-law, Mr. Stoddart?—Yes.

524. He is your landlord?—Yes.

525. Did you tell him?—I told him what happened.

526. That Mr. Coffey would not believe you had voted for Colonel White?—Yes.

527. Upon that what happened?—Upon that

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M. Foley.
8 March 1860.

Mr. Stoddart went into the books and found that I was right, and that there was another Malachi Foley that lived in Tullagh, that voted for Calcott and Vandeleur.

528. Another person of your name?—Yes.

529. Did he go with you and tell Mr. Coffey that?—He did.

530. When Mr. Coffey found that, what did he say?—He told me to go home, and he handed me a two-shilling piece, and said I should be paid at home.

531. Did you go home?—I did.

532. How soon after that, did you see Mr. Coffey again?—In two or three weeks; it was at any rate two weeks.

533. Did Mr. Coffey say anything to you at home?—He did.

534. What was it?—I asked him when would I be paid, and he told me to draw a bill for car-hire, and that I would be paid along with a man of the name of James Nayland, who was driving Mr. Coffey at the election time.

535. Did you draw a bill?—I did; I drew a bill in Mr. Coffey's name.

536. Did you take a piece of paper to Mr. Coffey?—I did.

537. Did you leave it with him?—No, I did not.

538. Did he give it back to you?—He did.

539. What did he say?—"You draw a bill in Colonel White's name to the amount of 6 *l.*, and I will certify it."

540. Did you do so?—No, I did not; I had the bill in my pocket, and I met Mr. Coffey.

541. I ask you whether you drew a second bill?—I was to hand it to him when I met him, and he said, "Well, you send your bill and Nayland's bill together, and you will both be paid together."

542. He said you and Nayland would be paid together?—Yes.

543. Do you know a person named Michael M'Namara, of Kilkee?—I do.

544. And a person named Marty Conway?—I do.

545. Do you know Joynt; Mr. William Joynt, of Limerick?—I do.

546. Is he a land agent?—I saw him collecting rent in Kilrush.

547. Where does he live?—In Limerick.

548. Do you remember Mr. M'Namara and Mr. Conway and yourself going to see Mr. Joynt?—I do.

549. When was that?—I cannot say.

550. How soon after the election?—I think it was about December last.

551. Did you ask for your bill of 6 *l.*?—I did not.

552. What did you go to Joynt's for?—Nayland was paid 20 *l.*

553. Mr. *Phinn.*] You did not see him paid?—Yes, I did.

554. Mr. *Wordsworth.*] You saw Nayland paid 20 *l.*?—I saw him getting a cheque for 20 *l.*

555. You saw him with a cheque?—I saw Joynt pay him a cheque.

556. Was that in December, the time you speak of?—It was.

557. Was M'Namara with you?—He was, and Conway.

558. Did you see him, M'Namara, and Conway get anything?—They did not.

559. Did you get anything?—No.

560. Nayland got 20 *l.*?—Nayland got 20 *l.*

561. What was said to you about your bill of 6 *l.*?—He told me I was not returned for any payment in his sheet.

562. You told the Committee just now that you had been requested by Mr. Coffey to make out a bill for car-hire?—Yes.

563. Did you possess a car?—No.

564. And you never did?—Yes, I did.

565. When?—From November last until next September I am without a car.

566. Had you any car during the election?—No.

567. So that no car of yours was used?—No.

568. You had no claim for any car-hire?—No, I had not.

569. Do you know Patrick Coffey?—I do not.

Cross-examined by Mr. *Phinn.*

570. When was it that you first told this story about Coffey saying you should have 6 *l.*?—The whole neighbourhood knew it since the time I voted.

571. You do not tell me to whom you mentioned it?—I mentioned it to a man named Thomas Collins, and Malachi Marlin, and likewise Conway and M'Namara.

572. When did you mention it to Collins first?—He was aware of it.

573. When did you first mention it to Collins?—The very day of the election I told him of it.

574. That you were to have 6 *l.*?—That I did not get a penny from Mr. Coffey but 2 *s.*

575. When did you first tell M'Namara you had been promised 6 *l.*?—He was an agent.

576. When did you first tell Mr. M'Namara that you had been promised 6 *l.*?—He promised me 6 *l.*

577. When did you tell M'Namara you had been promised 6 *l.* by Coffey?—Well, I could not answer.

578. Upon your oath, did you ever tell M'Namara that, before you had been refused to be paid your bill?—I did.

579. When?—I did.

580. When?—I could not tell you when.

581. You were refused in December to be paid your bill?—I was. M'Namara, Conway, and me, wrote to Mr. Coffey to Birmingham.

582. I want to know what you told M'Namara, and when?—M'Namara, and Conway, and me, made a claim on Frank Coffey, and we wrote to Birmingham to him. He said it would be paid shortly; that no car-hire was paid yet.

583. Are there not a good many men of your name living at Kilrush?—Yes.

584. Do some of them keep cars?—Only one.

585. There is a man named Foley keeping cars at Kilrush?—There is.

Re-examined by Mr. *Wordsworth.*

586. When did Frank Coffey leave Ireland and come to this country?—I think it was in October.

587. You missed him from that part of the country from that time?—Yes.

588. You were beginning to tell my friend that M'Namara promised you something; what did he promise?—He promised me 6 *l.*

589. For what?—For a plumper.

590. For whom?—For Colonel White.

Mr. *Phinn* objected to this question, upon the ground that it did not arise out of his cross-examination.

591. *Chairman.*]

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591. *Chairman.*] You told us that some one offered you money for your vote; who was that?—It was a man of Mr. Stodhart's, the father-in-law of Mr. Coffey; it was Michael M'Namara.

592. Who was it that said to you that you would be paid as much as any one would get?—Mr. Frank Coffey told me that.

593. When did M'Namara make you this promise of 6 *l.*; was it before or after the election?—He met me three days before the election, on the bridge. *M. Foley.* 8 March 1860.

[The Witness was directed to withdraw.

PATRICK CUMMING was called in; and having been sworn, was Examined by Mr. *Mundell.*

594. ARE you a voter for the county of Clare?—Yes.

595. Did you vote at the last election?—I did, sir.

596. For whom did you vote?—For Colonel Vandeleur and Mr. Calcott.

597. Do you remember the second day of the polling?—I do, sir.

598. Did you go into Kilrush on the morning of that day?—I did; I went to my son's house there.

599. Did you see there a man named Thomas Welch?—I did.

600. Where did you see him?—In my son's house, in the shop; and he beckoned me out into the back-yard.

601. The back-yard of your son's house?—Yes.

602. Did you go there and have a conversation with him?—I did.

603. Tell the Committee what took place between you and him?—He offered me a 3 *l.* note by giving half my vote to Colonel White.

604. What did you say to that?—I did not agree with him in that; I did not agree to give my vote for it.

605. Where did he go then?—I do not know.

606. Did he go away?—He went away.

607. Where did you go?—I stopped at my son's house.

608. How long was it before some other man came in and spoke to you?—I do not know, but some time after; not very long.

609. An hour, or half an hour?—Not an hour.

610. Who came to you?—The same James Welch, accompanied by a man of the name of Mahoney.

611. What took place then?—He drew out a note.

612. Who did?—James Welch; and asked me would I give Colonel White half my vote for that. "How much is that?" says I. "A three pound note," says he. "It would not do," says I. Then my son was abroad along with me in the back-yard. I do not know whether he was there at the time he offered me the money.

613. Did he at any time give you anything?—Never; I used to send butter to him, but very seldom.

614. Did you agree to take anything?—I did.

615. What did you agree to take?—My son induced me to take the money from him, and I took the money; and agreed to give half my vote to Colonel White.

616. What did you get?—A three-pound note.

617. Had Colonel White a tally room anywhere?—Yes, he had.

618. Where was that?—Opposite the Court House.

619. In whose house was that?—I do not know; but I heard it belonged to Mahoney.

620. After he had given you the 3 *l.*, what did you say to him about voting?—I told him I agreed to vote for Colonel White at the time he gave me the 3 *l.*

621. Where did you put the money?—I put it into my pocket. *P. Cumming.*

622. Where did you go?—I went to the Court House to poll, and they stood near me when I went to the poll.

623. Who did?—Welch.

624. When you got to the poll, how near was Welch when you were polling?—Welch was standing out that way, and I was standing inside.

625. Could he hear for whom you polled?—He did; right well, I think.

626. When you got there, you polled for Colonel Vandeleur and Mr. Calcott, did you?—Yes.

627. As soon as you had done that, did Welch say anything to you?—He did; when I turned out opposite to the rail, he came to me and demanded the money.

628. Tell me what he said?—"Give me my money, you rascal!" says he.

629. Now, upon that, did anyone else, who was there upon the bench, say anything?—They did; when he demanded the money, some gentleman from the bench cried out not to give the money.

630. Who was that?—I do not know; but I heard it was Counsel O'Harran.

631. When you got down from voting, did Welch say anything to you?—As soon as the gentleman cried out not to give the money, he collared me by the coat, and pulled me through the Court House to the tally house of Colonel White.

632. What became of the money?—I gave it to him; I put my hand in my pocket and handed him the money, and I let the note out of my hand. I do not know whether it was himself or his brother, because I was so much annoyed at his pulling me out.

Cross-examined by Mr. *Phinn.*

633. You were very angry about not getting the money, then, I suppose?—I was not angry; I was uneasy in my mind when they pulled me out of the Court House. I was so much annoyed by them.

634. You were not uneasy in your mind when you had the 3 *l.* note in your pocket?—'Deed, I was not.

635. Had you ever voted before?—I had not.

636. Had you made up your mind which way to vote when you went to Kilrush?—I had.

637. You know a man named Thomas Shenan?—I do.

638. Had you promised him your vote?—I did not.

639. Had he not spoken to you about it?—No.

640. Who is Thomas Shenan?—Bailiff to Marcus Keen.

641. Who is he?—Agent to Nicholas Worshy.

642. Who is Mr. Nicholas Worshy?—My landlord.

643. Had not Tom Shenan asked you for your vote?—He asked me would I vote for Colonel Vandeleur; and I asked him would he allow me to

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P. Cumming. 8 March 1860.

to split for Vandeleur and Calcott. He said, he would not, if they were not secure of themselves.

844. What did you do with your vote; it was your vote?—It was my vote; and I gave half my vote to Colonel Vandeleur, when I saw that he was a proper man.

645. Thomas Shenan would not allow you to split unless Colonel Vandeleur was safe?—Just so.

646. What had he to do with allowing you; he is your landlord's bailiff, in fact?—Just so.

647. You were afraid of Tom Shenan?—I was not afraid; but Colonel Vandeleur is a friend of my landlord's, and I could not oppose my landlord.

848. You were afraid, in fact?—I was not afraid.

649. You could not oppose your landlord?—I could not oppose my landlord.

650. Now, Thomas Shenan talked to you a great deal about your vote, did he not?—Some days before he said something to me.

651. He spoke to you two or three times?—He did not, but once.

652. You promised to vote for the colonel alone unless the colonel was safe, and then you would vote for Colonel Vandeleur and Mr. Calcott?—Yes.

653. When you saw Welch did you not tell him you were afraid of Thomas Shenan?—I did not.

654. Did you not tell Welch you must have a note to show Thomas Shenan, but you did not want to be bribed?—No; I never said a word of it.

655. Do you hear this now for the first time?—I did not say it.

658. Recollect yourself; who was present when you spoke to Welch?—My son was there when he came; but no one was present in the back-yard but himself and me.

657. Did you not tell your son that you did not like to be bribed, but that you wanted to vote for Colonel White, and that you must tell Thomas Shenan that you were bribed?—There was not a word about it.

658. Did you not tell your son you were going to vote for Vandeleur and White?—I did not.

659. Did he not urge you to take the money?—He did; he induced me to take the money.

660. You did not mean to take the money at first?—As soon as he saw the money flying——

661. He induced you to take the money?—He did.

662. Did you not tell your son that you did not like to take the money, but you would take it to show Shenan, and tell him you had been bribed?—There was no word about it.

663. Did he not suggest it?—He did seduce me to take the money.

664. Have you ever had any money before for voting?—'Deed I had not; nor I was not prepared for voting on the register.

665. Did not your son say, "Oh, father, don't be bribed, but take the money and show it to Shenan, and tell him you had been bribed"?—He did not want me to do it.

666. Is your son here?—He is not.

667. When did you come over?—I believe it was last Friday.

668. A week ago?—Yes.

669. Who brought you over?—I had a summons to come over.

670. You have been very well kept; plenty of good eating and drinking?—Yes.

671. Plenty of hard stuff?—I have had no stuff for my dinner and breakfast.

672. A drop of drink every day?—I have had a drop of drink.

673. Plenty of porter?—A little porter.

674. Any whiskey?—No.

675. Any gin?—No.

676. Any spirits?—No.

677. Only a little drop of beer?—That is all.

678. You pocketed the 3*l.*, you say; when was it you changed your mind; it was not far to the voting place?—About 30 paces; I considered then if I gave my vote for Colonel White he would thank the money for it, and not me.

679. I ask you whether you did not change your mind for fear of Tom Shenan?—Indeed I did not.

680. You swear that you did not say you wanted a note to show to Tom Shenan?—Indeed I did not.

[The Witness was directed to withdraw.

WILLIAM S. FERGUSON was called; and having been sworn, was Examined by Mr. *Mundell*.

W. S. Ferguson.

681. You are a police constable stationed at Kilrush?—Yes.

682. Do you remember the second day of the polling at the election?—Yes, I do.

683. Were you near the polling booth when the old man, Cumming, came up to give his vote?—I was at the door of the Court House.

684. When he was coming out of the booth, did you see James Welch there also?—Yes.

685. Do you know James Welch's brother?—Yes, I do.

686. Did you see him there?—Not at the door.

687. Near there?—He met him half way across.

688. What was done to Cumming by Welch?—As Cumming was coming out of the door, he was met by James Welch, at the Court House door, and Welch catched Cumming by the breast; "You rascal," says he, "what have you done, after taking the money"?

689. Did he say anything else?—"By God you will never leave Kilrush with my money in your pocket."

690. Did he say anything more about why he should not leave with the money in his pocket?—He did not; he was making an attempt to take it out of his pocket.

691. Did they say no more?—I went forward and spoke to him.

692. Did he say no more?—He did not.

693. What did you do?—I went forward and cautioned him what he was about, and with that he catched hold of old Cumming and carried him over across the street to one of the tally rooms.

694. Whose tally room was that?—It was Colonel White's room, I think.

695. At whose house was it?—Mahoney's; I was not stationed there then, but I am now.

696. As you are stationed there now, you can tell us whether he is the owner of that house now?—Yes, he is.

Cross-

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Cross-examined by Sir *F. Slade.*

697. Did Welch charge Cumming with having robbed him?—He did not charge him with robbing him; he told him he would not leave the town with his money in his pocket.

698. That was very natural, was it not?—Of course.

699. You did not see much harm about that?—I advised him not to take the money out of his pocket.

700. Did you say that the other day in Dublin when you were examined?—Yes.

701. Are you quite certain?—I am stating what I did say.

702. What did he say when you advised him not to take the money out of his pocket?—He took him across the street.

703. You did not interfere with that?—No.

704. Did he seem to go willingly across the street?—He had a catch of him.

705. Was he forcing him?—No, there was not much force in that.

706. He seemed to go very willingly?—Pretty willingly.

707. Then you lost sight of him?—No, I did not lose sight of him till he was turned out.

708. How did you see him?—Through the door.

709. Was the door open?—It was. *W. S. Ferguson.*

710. Did you see into the tally room?—Yes, I saw into the tally room. 8 March 1860.

711. You have not told us what took place; did the man turn his pocket out?—There was a hustle in the room.

712. What were they doing to the old man; were they kissing him?—I could not tell; I did not give myself much bother about it.

713. Your station was at the polling booth inside, and you had something else to do?—At the Court House door I was stationed.

714. You cannot tell us much more than you have told already. How did the old man come out?—He came out of the door into the street.

715. And went away?—And walked away.

716. He did not complain to you?—No.

Re-examined by Mr. *Mundell.*

717. You went across to see whether he was used roughly or not?—Yes.

718. How was he used?—He was not very roughly handled at all.

719. That was why you did not interfere further, I suppose?—Yes.

[The Witness was directed to withdraw.

MR. STEPHEN O'HALLORAN, was re-called, and further Examined, by Mr. *Mundell.*

720. Do you produce certain receipts and vouchers which you received from Joynt, at the same time that you received this account?—I have them here (*producing the same*). *Mr. S. O'Halloran.*

721. Do you produce, in particular, a receipt of Michael Mahony for 10 *l.*, in respect of something at Kilrush?—I have such a receipt among the accounts (*producing the same*).

722. Did you receive that at the time that you received this account from Mr. Joynt?—I did.

723. Sir *F. Slade.*] Did you receive them all from Mr. Joynt?—Yes.

[The Witness was directed to withdraw.

CONNOR HOWARD was called in; and having been sworn, was Examined by Mr. *Wordsworth.*

724. ARE you a voter for the county of Clare?—Yes. *C. Howard.*

725. Did you vote at the last election in May last?—I did.

726. For whom?—For Colonel White.

727. Before you voted for Colonel White, had you been canvassed for anyone?—No, I had not, I made no promise to anyone.

728. Had you been asked for your vote?—I had.

729. By whom?—By Mr. Michael M'Namara.

730. Do you know a person named Maloney?—No.

731. Who is M'Namara?—A man belonging to Mr. Faircroft.

732. What is he?—He collects taxes.

733. He asked you for your vote?—He did.

734. For whom?—For Mr. Calcott.

735. But you voted for Colonel White?—I did.

736. Now on the first day of the poll, do you remember going to Ennistymon?—Yes.

737. Did you see any one in the street you knew of the name of James Murriman?—I did.

738. Did he speak to you?—He did; he told me to come along with himself, and he would get me 10 *l.*

739. What for?—For voting for Colonel White.

740. Did you go along with him?—I did.

741. Do you know a person named Thomas Minetur?—I do.

742. Did he take you to Minetur's house?—He did.

743. Is that a public house?—A public house.

744. When you and he got there, did you see Minetur?—I did.

745. Do you remember going up-stairs with them?—I went up-stairs with them.

746. With whom did you go up-stairs?—With Minetur.

747. Murriman and Minetur went up-stairs with you?—Yes.

748. Did you all go into a room together?—No, Murriman stopped at the door, and I went in, and Minetur before me.

749. When you got inside, what did you see?—I see Minetur; he pulled out some notes, and out them across on the back of his box.

750. He put them on a box and cut them in half?—Yes, he made halves of them.

751. After he had cut those notes in halves, do you know whether he went into the bed-room adjoining?—He did; the box was convenient.

752. Taking the notes with him?—Yes.

753. The whole of them, or only half of them?—He took the whole of them.

754. What became of the box?—It was convenient to his bed-room.

 755. It

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C. Howard.
8 March 1860.

755. It did not go into the bed-room of itself?—No.

756. Who took the box?—No one took the box; he took the money off the cover of the box.

757. And took that money into the bed-room?—Yes.

758. Did you go into the bed-room with him?—No, he went in himself.

759. You waited in the other room?—Yes.

760. Did he come back again to you out of the bed-room?—He did.

761. Did he say anything when he came back?—He did.

762. What was it?—He desired me to go into the bed room, and I would get my car-hire.

763. Did you go into the bed-room?—I did.

764. When you got into the bed-room, what did you get?—I got 10 half notes.

765. In what part of the bed-room were they?—On the clothes of the bed, outside.

766. Was there anyone in the bed-room at the time?—No, I did not see anyone in the bed-room.

767. Was there anyone in the room next to the bed-room, that you went from in order to get into the bed-room?—No.

768. He told you to go into the bed-room, and you went and got the half notes?—Yes.

769. Where did you go after you got those half notes?—I walked out, and I went drinking.

770. Before you walked out and went drinking, was anything said to you about the other halves?—When I did what was right I would get the remainder of my car-hire.

771. Who said that?—Minetur.

772. Was that said by him to you before you went into the bed-room and got the 10 halves, or afterwards?—Afterwards.

773. After you got the 10 halves in the bed-room, did you pass into the other room where Minetur was?—No, I walked out of the bed-room.

774. Where was it then that you saw Minetur after you had got the 10 halves, when he said if he you did right you would get the other halves?—I saw Minetur in the evening.

775. You got the 10 halves in the bed-room?—I did.

776. Did you see Minetur after that?—I did not until the evening, and I walked out and went drinking.

777. You did not poll that day?—I did not.

778. When was it that Minetur said to you, if you did what was right you would get the remaining half notes?—When he gave me the money.

779. Was that before you went into the bed-room?—No, but after I got into the bed-room.

780. After you got the money in the bed-room did you go into the room where Minetur was?—No, I walked out when I had got the half notes.

781. How could you get out of the bed-room, without going into the room where you had left Minetur?—He was outside until I came out.

782. Outside the house?—Outside the bed-room.

783. He was waiting for you?—Yes.

784. Then it was before he said that if you did what was right, you would get the other halves?—Yes.

785. After you got this money, you went and got some drink?—Yes.

786. It was too late to vote that day?—It was; the door was closed.

787. In the evening, after having had something to drink, not having polled, did you go back to Minetur?—I did. I met James Murriman, and he came to the door.

788. What did Murriman say to you?—He asked me for what he gave me in the morning, because I did not do what was right.

789. Did you give him back the money?—I did.

790. The 10 halves?—Yes.

791. After that, did you go out into the town, and find out your lodging for the night?—Yes.

792. Did you go to Minetur again the next morning?—I did.

793. What did he say to you then?—He was giving me but 6 *l.*, and I said I would not have it.

794. What did you say to him?—I told him I would not tell my name for 6 *l.*, unless he gave me what he gave me the day before.

795. What do you mean by telling your name; giving your vote?—Yes.

796. When you told him that, what did he say to you?—He desired me to go up to the tally room, and so I did.

797. Whose tally room was that?—Colonel William's.

798. When you got there, did you see Minetur again?—I did.

799. How soon afterwards?—He came in after me; it was not an hour after me.

800. Did he say anything to you?—He did not, but he beckoned at me to follow him into another room.

801. To go where?—Into a small little room.

802. Did you go?—I did.

803. Was he with you?—He went before me.

804. Did he go in alone, or did you wait for him?—He went in before me into the small room; he closed out the door.

805. He shut the door?—Yes.

806. Did you go in with him that time, or remain outside?—I remained outside.

807. Could you see who was in that room?—No one but myself.

808. Did he come out afterwards to you?—He did, and tell me to go in.

809. Did you go in?—I did.

810. What did you get?—I got 10 half notes in the corner of the room, left in a little basket, with a cover on it.

811. Did you take the cover off?—No; I found them over-head the cover.

812. On the top of the cover?—Yes.

813. Ten half notes?—Yes.

814. I think this was at Ennistimon?—Yes.

815. And at Colonel White's tally room?—Yes.

815*. Who kept the house?—I do not know his name.

816. How far did you live from Ennistimon?—About eight miles.

817. You do not know who kept the house?—No.

818. You got the 10 halves from the top of the basket?—I did.

819. After that what did you do?—He walked out before me into the polling booth.

820. And you went with him?—I did.

821. When you got to the polling booth did you poll?—I did.

822. For whom?—For Colonel White.

823. You say Minetur went before you?—He did.

824. Was he near to you when you polled?—He was.

825. Could he hear you?—He could.

826. When

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626. When you were asked for whom you polled, could he hear you say "Colonel White"?—He could.

827. After having voted for Colonel White, where did you go to?—I came back to the tally room again.

828. Do you know a person named James Hinds?—I do.

829. Is he an attorney?—He is.

830. At Ennistimon?—He is.

831. When you went up to vote with Minetur for Colonel White, do you remember anyone giving you a shove in the booth?—I do.

832. Who was that?—James Hinds.

833. That was before you voted?—Yes.

834. Had you seen Hinds at the tally-room that you had come from?—No, I had not.

835. You went back, after you had polled, to Minetur?—Yes.

836. When you got back there, did you go into the small room again?—Minetur went in before me again.

837. The same small room you were in before?—Yes.

838. Did he afterwards come out?—He did.

839. Were you told to go in?—He desired me to go in, and I would get the remainder of my car-hire.

840. Did you go in?—I did.

841. What did you find?—I found the other 10 half-notes.

842. Where did you find them?—In the same place that I found the first.

843. They matched the other halves, I suppose?—They did, except one.

844. I suppose you put them into your pocket, and went away?—I did, and went away home.

Cross-examined by Mr. *Slade*.

845. Well, Connor, were you bribed?—I do not understand you.

846. Yes, you do; you were bribed to give your vote?—I don't understand what you say.

847. Do you know what being bribed is?—I do. *C. Howard.* 8 March 1860.

848. Were you bribed; now, make a clean breast of it?—I suppose I was, sir.

649. Were you ever bribed before?—Never.

850. You never got any money?—Never.

851. That was a pretty high price to put upon your vote, was it not, 10*l.*?—It was.

652. Was that the general price of the votes?—I don't know, sir; only what I got myself was 10*l.*

853. And no bargain made at all?—No.

854. None?—No, indeed.

855. You were to walk into the bed-room, and see what you were to have for doing your duty?—Yes; and the man I met told me I would get 10*l.*

856. To whom did you first tell this; did you keep it all snug a long time?—Indeed, I did not; I was too glad to get the money.

857. Have you a wife?—I have.

858. Did you tell your wife?—Oh, of course I did.

859. Did you tell anyone else?—Indeed I did.

860. What notes were they?—Provincial notes.

861. What did you do with the one that had the wrong half?—I gave it to a woman who was selling some meal, and she said she would put it in the Ennis Bank.

862. You got it back in meal?—Yes.

863. Did you ever vote for Mr. Calcott before?—No.

864. Whom did you vote for in 1857?—I had no vote in 1857.

865. It is a good thing to have a vote, is it not?—Very.

866. You always intend to take it to market, I suppose, now?—It is not always that we can get well paid for it.

867. *Chairman.*] Have you any cars?—No.

[Adjourned to To-morrow, at 11 o'clock.

Veneris, 9° *die Martii*, 1860.

MEMBERS PRESENT.

Lord Stanley.	Geo. J. Booth, Esq.
Charles Buxton, Esq.	John Walter, Esq.
Sir P. G. Egerton, Bart.	

LORD STANLEY IN THE CHAIR.

MICHAEL GRADY was called in; and, having been sworn, was Examined by Mr. *Wordsworth*.

888. ARE you a butcher?—Yes. *M. Grady.* 9 March 1860.

869. At Ennis?—Yes.

870. I believe you are not a voter for the county of Clare?—I am not.

871. Are the butchers numerous at Ennis?—They are as much as the whole of the rest of the trades.

872. What do you call the other trades?—Bakers, shoemakers, tailors, smiths, carpenters, and all those.

873. And the butchers are as numerous as all the others?—They are nearly as numerous as the whole of them.

874. Do you remember being at Ennis some days before the nomination day?—A couple of evenings before.

875. Do

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M. Grady.
9 March 1860.

875. Do you know M'Guire?—I do.

876. Was there a place in M'Guire's house, a committee-room?—Yes.

877. Was a speech made by Colonel White there, or from the outside of that committee-room?—Out through the window.

878. How near were you to Colonel White when you heard him speak?—Standing on the road under the window.

879. Do you know Mr. Joynt?—I do.

880. Was he there at the time of the speech?—He was standing near Colonel White.

881. Near the window?—Near the window.

882. Do you know Mr. Michael Kenny?—I do.

883. Was he there?—He was further in the room.

884. Do you remember any part of Colonel White's speech?—I remember hearing him talk about his father, and all belonging to him; how they had bled for their country, not in their veins, but in their pockets.

885. Go on, and tell us what further he said?—And that he should be returned at any cost.

886. When he said that he would be returned at any cost, was there any cheering?—There was great cheering.

887. I suppose that was cheered and cheered again?—Oh, yes.

888. Were there many people collected at that time?—About two or three dozen people.

889. You were standing amongst them?—Yes, when the speech was made.

890. Had you any friends there, also, who were voters at the time?—Oh, there were voters there.

891. Are you a native of Ennis?—I am.

892. Have you been brought up there, and carried on your trade of butcher there for some time?—I buy and sell cattle and pigs, and so on.

893. You have carried on that trade for some time?—Yes, ever since I was born, and my father before me.

894. You know most of the folks about Ennis, I suppose?—Yes.

895. You know a good many voters there?—Yes.

Mr. *Welsby.*] Ennis is a borough.

896. Mr. *Wordsworth.*] When you say voters, do you mean for the borough, or for the county, or both?—Both the borough and the county.

897. Do you know Mr. John Caugley?—I do.

898. What is Mr. Caugley?—A shopkeeper in the town of Ennis.

899. Do you know John Mears, a butcher?—I do.

900. He is a butcher in Gaol-street?—Yes.

901. Now, upon one occasion, when you were at Mears's shop, Caugley came to you?—Yes; there were four or five and twenty of us there in the evening.

902. There were twenty-four or twenty-five of you there altogether in the evening?—Yes, before John Mears' house.

903. How many days was that before the nomination?—About five or six days.

904. Caugley came to you?—He came into the house.

905. What was said?—Caugley made an agreement, and handed them some notes for 125 *l.*, for the twenty-five of us who were in Gaol-street.

906. The *Committee.*] Were they all voters?—There was not a voter amongst them.

Mr. *Phinn* objected to the course of the examination, it appearing that the parties to whom it was alleged money had been given were not voters.

The Witness was ordered to withdraw.

Mr. *Wordsworth* was heard in answer to the objection.

The *Committee* decided that parties could not go into the question of distributing money amongst non-voters, unless it could be proved that some particular voter was bribed by that means.

Michael M'Grady re-called.

907. Mr. *Wordsworth.*] Do you know Mr. M'Namara?—I do.

908. Is he an attorney residing at Ennis?—He is.

909. Do you remember seeing him at the election?—I do.

910. On the nomination day?—Some time before that.

911. But on the nomination day as well?—Yes.

912. What did you see him doing on the day of the nomination, or on the day of the poll?—He met me in the street one or two days after the nomination; he said he would give me an outside agency.

913. What do you mean by that?—Getting the freeholders, and bringing them into the tally-rooms.

914. *Committee.*] Did you say "offered," or "gave"?—He offered me an outside agency.

915. Mr. *Wordsworth.*] What were you to be paid for it?—I did not make any agreement.

916. You were to get the freeholders, and take them to the tally-room?—Yes.

917. Whose tally-room is that?—Colonel White's.

918. Is that the same room as that you spoke of before as being M'Guire's?—No; M'Guire's was in the High-street, and this tally-room was opposite the court-house.

919. On the day of the nomination, or the day of the poll, do you remember seeing Mr. M'Namara and Colonel White?—I remember seeing them both the day of the nomination and the day of the poll.

920. On both occasions?—Yes.

921. What were they doing; walking, or sitting, or what?—Walking about the town, Mac was.

922. With Colonel White?—I used to see Colonel White as often as I saw Mac.

923. Were they together?—Sometimes they were, and sometimes they were not.

924. When you saw them together, where did you see them; in the house, or where?—Over near the court-house.

925. How many times do you think you saw them on the day of the nomination and the polling day?—I could not say; more than once or twice, at all events.

926. Before the day of the nomination had you seen them together at all?—I saw them on the day of the nomination on the platform, but I did not take particular notice.

927. Was it Mr. M'Namara who told you that you

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you were to be an outside agent, and get the voters, and take them to the court-house?—To the tally-room.

928. Now, afterwards, did you see Mr. M'Namara at the tally-room at any time?—I saw him in the court-house, and going in and out of the tally-rooms.

929. Going from the street to the court-house, and then into the tally-rooms?—Yes.

930. Was that on the day of the polling, or when?—The day of the polling.

931. The first or second day, or both?—I saw him both one and the other.

932. You say you were to be an outside agent?—I was.

933. Were you stationed anywhere, or how did you get your voters?—Through the town.

934. You had to meet them?—They used to be coming from the country, and I had to meet them in the town, and take them up to the tally-room; I know a good many of them.

935. Now you say you were at the tally-room on the polling days; did you see Mr. M'Namara do anything with the voters?—I used to see Mr. M'Namara going into the booth to have the voters polled.

936. For whom?—I suppose for Colonel White.

937. The *Committee.*] You saw M'Namara going into the polling booth?—Yes.

938. Mr. *Wordsworth.*] How often did you see him do that?—Very often.

939. On both days?—On both days.

940. Now you say that you used to go and meet the voters coming from the country, and take them to the polling rooms?—Yes.

941. Do you know a man named Arthur O'Donough?—I do.

942. And his son, John O'Donough?—I do.

943. Were they voters?—They were.

944. Was it on the first or the second day of the polling that you saw them?—The first day.

945. At what time of the day was it, do you remember?—In the morning; they came to my house.

946. O'Donough and his son came to you at your house?—Yes.

947. Do you live in Ennis?—Yes, in Gaol-street.

948. Is that the same street in which Mr. M'Namara lives?—The same as where Mr. M'Namara had an office.

949. O'Donough and his son came to you?—Yes.

950. Did any more come with them?—They did not come at the first; they asked me to bring them to Mr. M'Namara.

951. O'Donough and his son?—Yes.

952. Did you take them to Mr. M'Namara?—I did.

953. Where?—To his office.

954. Was anything said by Mr. M'Namara to them, or to you?—O'Donough told me ——

Mr. *Phinn.*] I object to what O'Donough told him.

955. Mr. *Wordsworth.*] I want you to tell the Committee what Mr. M'Namara said, and what was said to Mr. M'Namara?—I brought the two voters to Mr. M'Namara, and as we were going to Mr. M'Namara, O'Donough said he should go to Mr. Scott's clerk; Mr. Scott is the landlord of O'Donough, and he said he should have to vote with him.

956. Was Mr. Scott's clerk an agent of Colonel Vandeleur's?—O'Donough was wanting to go to Mr. Scott's clerk.

957. Why should he see Mr. Scott's clerk?—Because he should give half the vote to Colonel Vandeleur; he said he should see M'Inerteny first.

958. This is what O'Donough said on his way to Mr. M'Namara?—Yes.

959. Now, when you got to Mr. M'Namara's office, did you see him?—When we came back from M'Inerteny.

960. You went to see Mr. Scott's clerk first?—We lived in the same street.

961. Then you went to see him first?—Yes.

962. Did you go with them?—I remained outside until they came back from M'Inerteny's, and O'Donough said he should do what he liked with the other half of his vote.

963. Did he, and his son, and you, then go to Mr. M'Namara's?—Yes.

964. I believe he is familiarly known in Ennis by the short name of Mac?—Yes.

965. You saw Mr. M'Namara?—We did.

966. What was said to him, or what did he say?—I brought him into the inside of the office, and he agreed.

967. Mr. *Phinn.*] Did you hear what passed?—I was standing by.

968. In the inside office?—Yes.

969. And you heard what passed?—Yes.

970. Mr. *Wordsworth.*] Be good enough to tell us what O'Donough said, or his son, or you, or what Mr. M'Namara said?—O'Donough asked him to give him his expenses for half his vote, if he voted for Colonel White; Mr. M'Namara said he would give O'Donough his expenses for half the vote.

971. What did O'Donough say to that?—He agreed.

972. What was said about the son?—Oh! the son was to get a part of the money.

973. Mr. *Phinn.*] What was said?—There was nothing said about the son.

974. But the son and the father were together when this took place?—Yes, but the old man made the agreement.

975. Was anything said by O'Donough, or by Mr. M'Namara as to the former election of Sir John Fitzgerald?—Yes.

976. What was said?—He came to my house in the same way.

977. I am asking whether, when you and O'Donough, and his son, went to Mr. M'Namara, and arranged about the half vote, was there anything said by O'Donough, referring back to 1857?—He said he wished to go to Mr. M'Namara's on account of knowing him before that.

978. Was it said whether he had voted for Sir John Fitzgerald or not?—He did vote for Sir John Fitzgerald.

979. Did he say so?—He did to Mr. M'Namara; but Mr. M'Namara knew it before.

980. I am asking you whether he said it?—He did.

981. Now, after this arrangement with Mr. M'Namara, where did the O'Donoughs go?—They went to the court-house.

982. Did you go with them?—Yes.

983. What did they do there?—They voted for Colonel Vandeleur and Colonel White; there were six or seven.

984. Just attend to the question; I will come to the six or seven by-and-by, but you say the two O'Donoughs did?—Yes.

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985. Befors you went with the O'Donoughs to the poll, had you and O'Donough, and his son, heen paid hy another party of voters?—O'Donough and I, and his son went to where there was a lot lodging.

986. In what part of Ennis?—In Market-street.

987. How many were there of them?—I believe there were seven or eight, and these two.

988. Were they all voters?—All voters.

989. Can you give the Committee the names of any of them?—There was John O'Donough, and Arthur O'Donough, and Roe O'Donough, and a man of tho name of M'Mahon was there.

990. You have given us the names of four?—Yes.

991. Can you give us any other names?—I do not remember.

992. Did these other men that you went out to meet go with O'Donough and his son, and where?—To the court-house.

993. Did they go at the same time as the O'Donoughs?—Yes.

994. They all voted?—All voted.

995. These other men whose names yon have given, and some whose names you do not recollect, went together?—All went together.

996. How did the others vote?—They voted in the same manner.

997. For Colonel Vandeleur?—And Colonel White.

998. Now, after they had voted, did you go with them anywhere?—Went hack to Mr. Mac's office.

999. Did you see him?—They saw him.

1000. What passed then?—We went into his office, and he wrote a cheque, and gave it to Mr. O'Donough.

1001. To the father, or the son?—To the father.

1002. When that piece of paper was written hy Mr. M'Namara, you say he gave it to O'Donough the father?—Yes, Arthur O'Donough, the old man.

1003. Did you see it?—I saw it in his hands.

1004. When it was given hy M'Namara to O'Donough, was anything said hy Mr. M'Namara ahout it?—I asked O'Donough.

Mr. *Phinn.*] I ohject to what you asked O'Donough.

1005. Mr. *Wordsworth.*] Did you say anything to O'Donough in the hearing of Mr. M'Namara ahout it?—I do not remember.

1006. After Mr. M'Namara gave this piece of paper to old Donough, did Mr. M'Namara go away, or did he stay?—He went away.

1007. Was anything more said?—Nothing more.

1008. When O'Donough got this piece of paper, was there any talk amongst O'Donough and you about it?—There was; he said he was all right.

1009. Was there any talk; just say yes or no?—There was.

1010. When this piece of paper was ohtained, did you go with O'Donough anywhere with it?—He went to the hank and got the money.

1011. You went to the bank?—I did not go along with them.

1012. Just attend to my qnestion; where did O'Donongh go, in your presence, mind?—He went np the street, towards the hank.

1013. He went up Gaol-street?—Yes.

1014. How many hanks have you in Ennis?—Two.

1015. Which is the nearest hank te Gaol-street?—The National.

1016. When he went up the street, was he going in the direction of the National Bank?—He was going to the National Bank; I do not say he went into the National Bank.

1017. Or whether he went past, or anything?—He went towards it.

1018. Where is the other hank at Ennis situated?—In Binden-street.

1019. Which is the nearest hank to the tally rooms?—Binden-street hank.

1020. That is the nearest?—Yes.

1021. After you saw O'Donough go up the street in the direction of the hank, did you see him again?—I did, as he was going home after that.

1022. How soon after he had received this piece of paper from Mr. M'Namara?—In the evening; when the polling had heen over, I saw him again.

1023. Did he show you any money, or anything?—He did not.

1024. Now, do you know John Gorman?—I know him.

1025. In the course of the first day's poll, did you see him at Ennis?—I did.

1026. Was there another person with him?—There was another man.

1027. Did you see them vote?—Not at that time.

1028. This was the first day's poll?—Yes.

1029. Did you see them vote the next day?—The next morning.

1030. You saw on the first day of the poll John Gorman and another person, whose name you did not know?—I did not know him.

1031. They did not vote on that day, hut on the morning of the second day?—Gorman did, hut I do not know ahout the other man.

1032. You saw Gorman vote?—Yes.

1033. Do you know how he voted?—I do.

1034. How?—For Colonel White and Colonel Vandeleur.

1035. When you saw Gorman and this other person on the first day of the poll, did you take them anywhere?—I did.

1036. Where did you tako them to?—I hrought them to a man of the name of Caugley.

1037. Is that John Caugley?—It is.

1038. What is Mr. Caugley?—A shopkeeper in the town of Ennis.

1039. In what street?—Church-street.

1040. Where was Caugley at the time that you took Gorman and this other person to him?—He was in the yard of the court-house, and I hrought him out, where there was no people.

1041. How far is the tally room from the court-house?—Just across the street.

1042. Yon say that Caugley was in the yard? He was in the yard of the court-house.

1043. And you took Gorman and this other person to him?—Yes.

1044. What did you say to Caugley?—I told him that there were two freeholders.

1045. What did Caugley say to that?—He asked them how they were going to vote. They said they should give half to Colonel Vandeleur, and they would give the other half to Colonel White, if he would give them anything for it.

1046. The *Committee.*] They said so?—They said they would give one-half of the vote to Colonel

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Colonel Vandeleur, and the other half to Colonel White, if he would give anything for it.

1047. Mr. *Wordsworth.*] What did he say to that?—He said he would give them 3 *l.* a piece for half-votes.

1048. Were they satisfied with that?—They would not take it.

1049. The *Committee.*] What did Caugley say exactly?—He said he would give them 3 *l.* each for half-votes.

1050. Mr. *Wordsworth.*] They would not take it?—No.

1051. Upon that, did Caugley say anything?—He said not to he hringing them to him; to make a bargain myself with them.

1052. The *Committee.*] Caugley said so to you?—Yes.

1053. Mr. *Wordsworth.*] In their presence?—No, after they had gone away.

1054. Before they had gone away, and when Caugley offered the 3 *l.* for the half-votes, was anything said ahout that heing the sum that had heen given?—That is what Caugley remarked to me, that he could not give more than 3 *l.* They said they would not take that; and he said that was what they were in the hahit of giving.

1055. Caugley said that 3 *l.* was what they were in the hahit of giving?—Yes, and that they would not give any more.

1056. The men were dissatisfied with that, and went away?—Yes.

1057. The *Committee.*] What were Caugley's words exactly?—He said that 3 *l.* was what they were giving for half-votes.

1058. Mr. *Wordsworth.*] They then went away?—They went away.

1059. I think you have already told us that they did not poll on that day?—They did not.

1060. Now, on the afternoon of the first day of the polling, do you remember meeting three or four men?—I do.

1061. From Ibriccane Barony?—Yes.

1062. Were they voters?—They were.

1063. Was one of them Gorman?—Yes.

1064. The *Committee.*] Another Gorman, or the same?—The same Gorman.

1065. Mr. *Wordsworth.*] Was this the afternoon of the first day's poll?—It was in the evening, hetween three and four o'clock.

1066. You call that evening?—Yes.

1067. Do you remember the names?—I do.

1068. What were they?—Two Sextons.

1069. Two persons of the name of Sexton?—Yes, and D'Arcy.

1070. Two Sextons, one D'Arcy, and one Gorman?—Yes, making four.

1071. All voters?—All voters.

1072. The *Committee.*] What is Gorman's christian name?—John.

1073. Mr. *Wordsworth.*] When you saw these four persons, where were you standing at the time?—Just convenient to the tally-room.

1074. You mean close by?—Yes.

1075. Were you standing with any one when you first saw these men?—I saw them, and I walked over towards them.

1076. You saw that they were voters, and you went over towards them?—Yes.

1077. Now, I asked you just now whether you were standing with any one at the time you saw them, and hefore you went over towards them?—Two men had come up to me.

1078. Was one of those men named Pat Daffy?—Yes.

1079. And the other Richard Mullowney?—Yes.

1080. Were these two men, Daffy and Mulloney, employed in the same way as yourself?—They were acting in the same way.

1081. I am obliged to you for the correction. They were acting in the same way as you did?—Yes.

1082. Getting votes, and taking them up to the poll?—Yes.

1083. Now, you say Mr. Caugley had told you to make the hest hargain you could with these men?—Yes.

1084. Did you make any bargain with these four persons, including Gorman?—Yes; I got them into Mrs. Brennan's tally-room, which was convenient.

1085. What did you do there?—I made an agreement with them there.

1086. For how much?—For 12 *l.*

1087. Twelve pounds for the four?—Yes, 3 *l.* each.

1088. Were they satisfied to vote for that?—They were.

1089. Did you see them poll?—I went with them to the Court-house, and it was too late when we got there.

1090. So that they could not poll that day?—They could not poll that day; it was five minutes after the time.

1091. Were they polled next morning?—All four, for Colonel White and Colonel Vandeleur.

1092. Now, I must try hack a little way; you say you made an agreement to give the men 12 *l.*?—Yes.

1093. Had you at the time of making the agreement with them got the money, or had Daffy or Mulloney?—No, neither of us had the money.

1094. Not having the 12 *l.* with you when you made this agreement, what did you do?—I sent for Mr. Caugley.

1095. Did he come to you?—He did.

1096. Where?—Into where they were; into the tally-room where we were.

1097. What did he say or do when he came?—Put his hand into his pocket, took out the money, and gave it to the men.

1098. How much?—12 *l.*

1099. In what money?—In hank notes.

1100. Was it after receiving that 12 *l.* from Caugley that the men went up to vote, and found it was too late on that day?—Yes; we should have had them polled, hut we had to look for Caugley.

1101. You had to send for him?—Yes.

1102. Otherwise they would have heen polled the first day?—Yes.

1103. They were not polled the same day, hut you saw them polled the next day?—Yes.

1104 The same four men?—The same four men.

1105. Now, I must ask you still further. After it was found, or when Caugley found on the first day of polling that the men had not polled, was the money asked for hack again?—It was.

1106. By whom?—By Caugley and others.

1107. When you say Caugley and others, do you mean Mulloney, Daffy, and yourself?—Yes, we thought to get the money hack from them, hut they did not wish to give it, and said they would poll the next morning. Daffy went bail for them.

1108. They would not give the money up?—No.

1109. Daffy,

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1109. Daffy, you say, went bail for them?—Yes.

1110. Was Mr. Caugley satisfied with that?—He was; we were all satisfied.

1111. Now, the next day do you remember meeting a person of the name of John M'Mahon?—Yes.

1112. You know him?—I know him.

1113. Do you know his son?—I do.

1114. Did you meet them both?—Both together.

1115. Are they voters?—The father was, the son was not.

1116. The *Committee.*] What day of the poll was it?—The second day's poll.

1117. Mr. *Wordsworth.*] What did you say to them, or rather to the father?—The father came up to me, and said he was going to poll; so I brought him along with me straight to the Court-house, and he polled for Colonel Vandeleur and Colonel White.

1118. Had you promised him anything before?—He asked me if I would get him anything, and I told him he would get his expenses. He said "very well," and I told him to go to Caugley.

1119. You told him to go to Cangley, and he would get his expenses?—Yes.

1120. Whether he got paid or not you do not know?—I do not know; I did not see him afterwards.

1121. You saw him poll?—I saw him poll.

1122. Now, you have been speaking about Mr. M'Namara. After the election were you paid by him for your services?—I was not.

1123. Did you ask to be paid?—He met me in the street, and told me to put in my bill.

1124. For how much?—He did not say for how much.

1125. Your bill for doing what?—For being an agent; for acting as an outside agent.

1126. Did you make out your bill?—His clerk did it for me.

1127. His clerk did?—Yes, in his own office.

1128. After the clerk had drawn it, did you see him take it anywhere?—He took it to Mr. M'Namara, in the inside office.

1129. Soon after that, did you see Mr. M'Namara again?—I did.

1130. Did he say anything to you about the bill——

Mr. *Phinn* objected to this question, and it was withdrawn.

1131. Do you know a Mr. Joynt?—I do.

1132. Do you remember seeing him at any time on board a steamer going from Kilrush?—Yes, I was going from Kilrush to Limerick in the steamer.

1133. Did you ask him anything about your bill——

Mr. *Phinn* objected to this question, the time not being specified.

Mr. *Wordsworth.*] It was after the election.

1134. When was it that you saw Mr. Joynt?—About three months after the election.

1135. In what month was it, December or January, or what?—I believe it was in September.

1136. Did Mr. Joynt say anything to you on that occasion about your bill that you had delivered to Mr. M'Namara——

Mr. *Phinn* objected to this question, on the ground, that a declaration made by an agent after his employment had ceased, could not bind the sitting Member.

[The Witness was directed to withdraw.

Mr. *Wordsworth* was heard in answer to the objection, urging that the agency had not terminated until the bills were paid.

Mr. *Phinn* was heard in reply.

The *Committee* decided that the question might be put.

MICHAEL GRADY re-called.

1137. Mr. *Wordsworth.*] When you met Mr. Joynt on board the steamer, what did you say to him about your bill which you had given to Mr. M'Namara?—My brother and I were together on board the steamer. He said, "Here is Joynt."

1138. Never mind what your brother said; what did you say to Mr. Joynt when you saw him on board the steamer about the bill which had been given to Mr. M'Namara?—We asked him what time we would be paid for the agency, and he said he would not pay until the petition would be over.

1139. What further did he say?—"When the petition will be over," says he, "I will pay you;" but says he, "I cannot pay you sooner."

1140. Was the name of Mr. M'Namara used by you to him, or by him to you?—He asked me who employed me, and I told him Mr. M'Namara; he asked me what election it was, because he had another election at Limerick, and I told him it was the Clare one.

1141. You told me just now that your brother was with you?—He was.

1142. Had your brother been employed as a sub-agent as well as yourself?—In the same way.

1143. Were you present when any bill was sent in by your brother to M'Namara in the same way as yours?—At the very same time; we were both together in the office, and the clerk took them both in.

1144. I understand you to say that your brother had been employed in the same way as yourself?—In the same way.

1145. Getting voters, and taking them up to the polling-room?—Either.

1146. He was present when Mr. Joynt and you spoke together about your bill?—He was, and spoke in the same way.

Cross-examined by Mr. *Phinn.*

1147. Is your brother here?—He is not.

1148. Where is he?—In Ireland.

1149. Who else was present beside your brother and yourself when this conversation occurred with Mr. Joynt?—Nobody that I knew; there was the people all round the steamer.

1150. When did you first mention that you had had such a conversation with Mr. Joynt?—When did I first mention it?

1151. Yes; you need not repeat my question?—When I saw him on the steamer, I first acquainted him with it.

1152. When did you first mention to any one else that Mr. Joynt had told you he would pay you when the petition was over?—I mentioned it to different people.

1153. Tell

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1153. Tell me the name of any one to whom you mentioned it, upon your oath?—I mentioned it to my father.

1154. Is he here?—He is not.

1155. When did you mention it to your father?—When I got home.

1156. At the same time?—After I got home.

1157. Tell me any one else that you mentioned it to out of your own family?—I do not recollect.

1158. When was your evidence taken to come over here?—It was taken in Ennis.

1159. When?—Nearly a fortnight ago.

1160. Did you mention it then?—I think, to the best of my opinion, I did.

1161. Will you swear you did?—Well, I think I will.

1162. Did you know Mr. Joynt before?—I did.

1163. Did he know you?—I made myself known to him.

1164. On the steamer?—On the steamer.

1165. He told you he had been employed upon another election, did he not?—He did not; he asked me what election was it, and I told him the Clare one: he did not tell me that he was employed upon another.

1166. I thought you told us that he did?—The remark he made was, which one was it; and I told him the Clare one.

1167. Did he tell you he could not pay you before the petition was over until he asked you that question?—No; after I asked him about the agency; the first word that he said was, "Where were you employed?" and I told him I was employed upon the Clare one.

1168. Are you a voter?—I am not.

1169. Is your brother a voter?—No.

1170. Is Daffy a voter?—No.

1171. Is Mulloney a voter?—He is, for the borough of Ennis.

1172. But not for the county?—I think not.

1173. You know he is not?—He is not.

1174. What do you claim?—£. 6.

1175. For how long?—For two days.

1176. Now, I ask you if Mr. Joynt did not say he would not pay you anything of the kind?—Did he say he would not pay me?

1177. Yes?—He did not say sueb a thing.

1178. Did you tell him the same?—No.

1179. Were you what is called in Ireland a gutter agent?—I do not know what they called me. *M. Grady.* 9 March 1860.

1180. Is not that the term for the sort of employment you were engaged upon?—I cannot say.

1181. Do you mean to say that you never heard the term gutter agent?—I do not know what it is.

1182. Did you ever hear it before?—I have heard it before, but I do not understand the meaning of it.

1183. Did they not call you a gutter agent?—I do not know that they did.

1184. Did you not hear yourself called gutter agent?—I heard the word.

1185. Now, what sort of shop does Mr. Caugley keep?—He keeps a toy-shop; he sells cigars and toys.

1186. Had you known him before?—I had known him since he came to Ennis.

1187. How long has he been at Ennis?—About 10 or 12 years.

1188. You have told us you are a butcher; are you a journeyman butcher, or a jobber, or what?—A jobber.

1189. Have you any shop?—No.

1190. How were you getting a living?—By buying cattle and pigs, and selling them.

1191. Going about to fairs?—Yes.

1192. And selling them to the butchers?—Selling them to merchants in Limerick and in Waterford.

1193. You have told us about this speech of Colonel White; how long did he speak?—For about 20 minutes.

1194. Can you tell us any other part of the speech beyond what you have told us?—That was the most remarkable thing he said.

1195. Can you tell us any other part of the speech except this which you remarked so much?—I could not.

1196 How many people were there present when he made that speech?—I suppose there was two or three thousand.

1197. How near were you to Colonel White?—I was on the road standing, and he was up at the window.

[The Witness was directed to withdraw.

THOMAS QUINLIVAN was called in; and, having been sworn, was Examined by Mr. *Mundell*, as follows:

1198. ARE you a voter for the county of Clare?—Yes. *T. Quinlivan.*

1199. In Tulla?—Yes.

1200. Did you vote at the last election?—Yes.

1201. Which way did you vote?—For Colonel White and Colonel Vandeleur.

1202. Do you know Mr. Maurice O'Connell?—I do.

1203. What is he in the county?—A magistrate.

1204. Do you know Mr. Charters B. Maloney?—I do.

1205. Is he an attorney?—He is.

1206. Where does he live?—At Ennis.

1207. Do you know also a Mr. Wm. Scanlan?—I do.

1208. Do you remember being at Mr. Maurice O'Connell's own house, and having some conversation with him when those two gentlemen, Mr. Maloney and Mr. Scanlan, were by?—I do recollect I was there, but Mr. Scanlan was not by.

1209. Who was by when this conversation took place?—I met him outside, and the conversation was only between him and me.

1210. What was it about?—A few days before the election I went to him for a situation.

1211. What kind of situation?—As outside agent.

1212. What did he say to you about that; tell us what he and what you said?—He made me a promise of it that day.

1213. Tell me what he said; did he say he would?—He said he would; that he would have my name taken down.

1214. Did he say by whom your name should be taken down?—He did.

1215. By whom?—By Mr. Charters Maloney.

1216. Did you at any time see Mr. Charters Maloney

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Maloney about being an outside agent?—I did; he was there.

1217. Were you by when Charters Maloney had any conversation with Mr. O'Connell about that employment, or of you?—That was all the conversation, that he told him what I wanted.

1218. What did Mr. Maloney say?—He said nothing at that time; he made no answer when I was present.

1219. Did you see Mr. Maloney at any other time about being employed as an agent?—I did.

1220. When was that?—A few days after that.

1221. Where did you see him?—In Tulla.

1222. Whereabouts in Tulla?—Within a house.

1223. What house?—Belonging to one Pat Ready.

1224. What kind of a house was that; was it a public-house?—No, it was not; it was a hardware house.

1225. What took place then?—I went into where they were.

1226. Who was there when you got in besides Mr. Maloney?—Mr. Maloney was there, and Mr. O'Connell, and Mr. Scanlan.

1227. What took place?—Mr. O'Connell called me over to him, and Mr. Maloney took down my name.

1228. Did he write anything in a book?—He wrote it down in a book he had writing in.

1229. He wrote down something in a book?—Yes.

1230. Did he tell you to do anything more?—He told me to go on about my business, and do what I could do.

1231. Did he not give you any more directions than that?—No, that was all.

1232. What were you to do?—According to how we worked we should be paid.

1233. What were you to operate upon; was nothing said about what you were to work with or at?—Of course, the freeholders.

1234. Was that mentioned?—It was before that; we knew what we had to do.

1235. After that, did you see a man named Martin Conlan at any time?—I did.

1236. What day was that?—The first day of the election.

1237. Where does he live?—At Lower Tulla.

1238. Did you speak to him about his vote; tell me what you said to him?—He came up to me in the street, and he told me he was offered 3*l.* to give his vote, and to know could I make out more for him. I told him not; I did not consider there was any more going.

1239. What did you say further?—I told him that he had no more to get, and of course, if it was going, he would get it; so he gave consent to go with me.

1240. And did you take him to the polling booth?—I did.

1241. Whom did he vote for?—For Colonel White and Colonel Vandeleur.

1242. After that, did both of you go together to a man named George M'Donnell?—We did.

1243. What is he?—A publican at Broadford.

1244. Is that the name of a street in Tulla?—No; it is a village in Lower Tulla.

1245. He happened then to be in Tulla?—He was.

1246. Where did you see him?—On the street.

1247. Had you any conversation with him?—I had; after leaving Conlan, he came to me to know whether I could get his expenses for him.

1248. Did you go with Conlan anywhere, and go to George O'Donnell together?—Yes; I am going to tell you.

1249. Were you and this man Conlan together when you went to see George O'Donnell?—Yes, we were.

1250. Is not the name of this man who lives at Broadford George M'Donnell?—M'Donnell, or O'Donnell, I believe; I think it is M'Donnell he always has over his door.

1251. When you three were together, tell me what passed?—I went with Conlan to him, to see if we could get his expenses, as he was going home, and he said, there was no expense to be paid that evening.

1252. Mr. *Welsby.*] Who said that?—George O'Donnell.

1252*. Did you have any conversation with any other voter with reference to his vote?—I had.

1253. What was the name of that voter?—There was one by the name of Michael Keogh.

1254. What did you say to Michael Keogh about his vote; when did you see him?—I saw him in William O'Brien's yard in Tullagh.

1255. What did he say to you, or you to him, about voting?—He was in the yard, and I went, and he asked me about the expenses which was going, and if I could get his expenses for him, he would go with me.

1256. What did you say to that?—I told him I would, as far as I could, get him 3*l.*; there were three of them together.

1257. Confine yourself to Keogh first; you said you could get him 3*l.*; what did he say to that?—He said no more; he went by himself, and polled.

1258. For whom?—For Colonel Vandeleur and Colonel White.

1259. Mr. *Welsby.*] Did you see him poll?—I did.

1260. I thought you said he went by himself?—No; there was three more freeholders with him.

1261. Mr. *Mundell.*] When he had done polling, did you go with any person to him?—No; I went out, and desired him to stop in the yard or the house until the evening, and I would try and get the expenses for him; but he went home before I paid him.

1262. You did not see him?—No.

1263. What were the names of the other men with him when you spoke to him?—Well, I certainly can't hardly tell you the names of the others; I think it was one of the name of M'Mahon, as far as I can remember, but I cannot be quite certain of it.

1264. Did these two men go up to the poll at the same time as Keogh did?—They did.

1265. In the course of your business had you any conversation with any other voters?—I had.

1266. What were the names of the others?—There was a man of the name of Tuohy.

1267. What is his christian name?—James.

1268. The *Committee.*] In what barony?—Up at Tullagh.

[The Witness was ordered to withdraw.

Mr. *Mundell* made an application to the Committee for permission to add the names of James Tuohy and others, if necessary, to the list of persons bribed.

Mr. *Welsby* was heard in opposition to the application.

The

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The *Committee* decided that, under the terms of the resolution, the application could not be granted.

The Witness was again called into the room.

1269. Mr. *Mundell.*] You have said that you voted yourself for Colonel White and Colonel Vandeleur?—Yes.

1270. Who canvassed you for your vote; who asked you to vote?—Of course, when I was doing business for them I should give them my vote.

1271. When you had this conversation with Mr. Maurice O'Connor, was anything said about which way you were to vote; when you went up to Ready's was anything said about which way you were to vote?—No; they said nothing about my voting.

T. Quinlivan.

9 March 1860.

1272. Was any thing said at that time about when you were to be paid, or how you were to be paid, by any one?—Yes; they told us according to the way we worked we would be paid.

1273. You have not been paid yet, I believe?—No.

Cross-examined by Mr. *Welsby.*

1274. You were employed as an outside agent, as I understand?—Yes.

1275. To bring up the voters to the tally-rooms?—Yes, and to the polling.

1276. That is the business of an outside agent, is it?—Well, I believe so.

[Witness was directed to withdraw.

MICHAEL MULLSHAN was called in; and, having been sworn, was Examined by Mr. *Wordsworth.*

1277. ARE you a voter for the county of Clare?—Yes.

1278. Did you vote at the last election for the county?—I did.

1279. Who for?—Colonel Vandeleur and Colonel White.

1280. Where did you poll?—In Ennis.

1281. Was that on the first day of the poll, or the second?—The first day.

1282. Now, before you polled do you remember seeing Mr. Michael Kenny?—Yes.

1283. And Mr. James Hines?—I think I saw Mr. James Hines the day before.

1284. Now, keep your attention directed to the first day of polling; you say you saw Mr. Michael Kenny?—Yes.

1285. When was it that you saw Kenny?—As I was passing up from my lodgings to the Courthouse, I met him.

1286. Do you live in the town of Ennis?—I do not.

1287. You were passing up from your lodgings, you said?—Yes.

1288. Where were you lodging at that time?—In the town.

1289. You had come in over-night, perhaps?—Yes; the day before.

1290. Now, on the morning of the first day's poll, you were going up the street and you saw Mr. Michael Kenny?—Yes; I overtook him on the way.

1291. Were you canvassed by him?—Not at that time.

1292. Were you, at any time during that day?—No; the day before.

1293. For whom?—For Colonel White.

1294. Had you made him any promise the day before, that you would vote for Colonel White?—No, I refused him.

1295. He asked you to vote, and you refused?—Yes.

1296. I understood you to say that Michael Kenny had canvassed you the day before?—Yes.

1297. Had he promised you anything, or had you asked him for anything for voting?—No, I did not, at that time.

1298. That was the day before the poll?—Yes.

1299. You saw him again, I think you said, on the morning of the first day of the poll?—Yes.

1300. Where was it you saw him, then?—In the street.

1301. Had you polled at that time?—No.

1302. What did he say to you?—I addressed him.

M. Mullshan.

1303. What did you say to him?—I said, as I was going to vote for Colonel White, I expected I would get my expenses, being two days in town waiting to poll.

1304. What did Kenny say to that?—He said I would get my car hire.

1305. Was any sum named?—No.

1306. Where do you live; you came into Ennis a day or two before the election?—I went into Ennis from Ballyvaskin.

1307. How far is that from Ennis?—About 18 miles.

1308. Kenny said you would have your car hire?—Yes.

1309. But no sum was named?—No.

1310. Was this before you had voted?—Yes.

1311. How soon after that did you vote?—Immediately.

1312. Within a few minutes?—Yes.

1313. Where did you vote; what part?—At Abriccan booth.

1314. When you saw Kenny at this time when he told you about the car hire, and you went and voted, was there anyone with him?—No.

1315. You went and voted?—Immediately; I and another.

1316. Did any one go with you?—Yes.

1317. Who was it?—Martin Casey.

1318. He went along with you, and polled with you?—Yes.

1319. How did he vote?—The same as I voted.

1320. Where was it that you joined Martin Casey after having had this talk with Mr. Kenny?—I met him again in the street.

1321. After you left Kenny?—Yes.

1322. Kenny told you about this car hire, and then you and Casey went up to vote?—Casey was along with me when we met Mr. Kenny.

1323. You did not tell me that before; was Casey with you when Mr. Kenny said that you should have your car hire?—Yes.

1324. Did he hear what Kenny said?—I suppose he did.

1325. Was he near enough?—Well, I think he was, but I cannot say.

1326. Was anything said by Kenny to Martin Casey, at that time?—I do not recollect.

1327. But you went up and voted together?—Yes.

1328. Now,

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M. Mullshan.

9 March 1860.

1328. Now, after you had voted did you get any money from anyone?—Yes.

1329. How much?—I got 2*l.*

1330. From whom?—From Martin Casey.

1331. Was that the same man that you had gone up to poll with, and whom you joined just after you had left Mr. Kenny in the street?—Yes; he was a long way down when we met Mr. Kenny.

1332. You got 2*l.* from Casey?—Yes.

1333. How soon after you had voted?—I believe I polled between 10 and 11, and between 1 and 2 I met him in the street, and he gave me 2*l.*

1334. You met Casey in the street?—Yes.

1335. You have talked with Michael Kenny before you voted, and he said you would be paid your car hire?—Yes.

1336. And you received the money from Martin Casey?—Yes.

1337. Had Kenny said anything to you as to where you were to get your money for the car hire?—I do not recollect exactly, whether he told me Casey would give it or not.

1338. I think you said it was between one and two o'clock, that Casey paid you?—Yes.

1339. Where was it that he paid you?—In the open street.

1340. Was anyone near you at the time?—There were some hundreds.

1341. How far from the place where you polled, the Abriggan Booth; was it anywhere near that?—No; it was in front of the Court-house, out in the street.

1342. And a great many voters were about?—Voters and mob.

1343. When Casey gave you the 2*l.* note?—Yes.

1344. When he gave you the 2*l.* note, did he say anything?—He said that was for my car hire.

1345. What did you say to it?—I do not recollect.

1346. But you took the money?—Just so.

1347. You say you went into Ennis the night before?—Not the night before; two nights before.

1348. You live from Ennis about 18 miles?—Yes.

1349. When you got to Ennis two days before the first day of the poll, did you go about the town much?—No, not very much; there was a cattle fair, that was what brought me in; the fair was on the 9th, and the election on the 10th.

1350. So you went to Ennis about two days before the first day of the poll?—Yes; I went in on the evening of the Sunday.

1351. Did you see Mr. Kenny there before the first day of the poll?—I did.

1352. You drove your cattle to the fair, did you?—No, I did not drive; I had them driven.

1353. Do you speak of a fair in the town of Ennis?—Immediately outside the town.

1354. What day was that fair held?—On the 9th of May.

1355. The 9th was the first day of polling?—The 10th, I believe, was the first day of polling.

1356. Now, you say you went into Ennis two days before the first day of polling, and you saw Mr. Kenny?—Yes.

1357. When was it that you saw him, on the first day of the poll, or before that?—I saw him on Sunday and on Monday.

1358. Where did you see him?—I saw him on the Sunday in the town, and on the Monday in the fair.

1359. On the first day of the polling, did you see Mr. Kenny more than once?—I saw him often.

1360. Do you know the tally rooms?—Yes.

1361. Did you see Kenny there?—No, I did not go there.

1362. Did you see Kenny with any other voters besides yourself on the first day of the poll, or the second day of the poll?—Yes; I saw him with other voters.

1363. Did you see him go anywhere with voters?—No; I could not swear to that.

1364. When you had polled, did you stay at the polling booth or did you go away at once?—I went away at once.

1365. Where was Mr. Kenny at that time?—He was in the polling-booth.

1366. Did he see you vote?—Yes.

1367. He heard you vote for Colonels Vandeleur and White?—Yes.

1368. You say you saw Mr. Kenny at the polling-booth when you voted?—Yes.

1369. How soon did you vote after you had had that conversation with Kenny in the street that you spoke of?—I was in the intention of voting at the time I met Mr. Kenny; I was going to vote for Colonel White and Colonel Vandeleur, and when I met Mr. Kenny, being at other expenses in the town, I told him I had a right to get my expenses. He said I would get my car-hire, and I went in immediately and polled.

1370. After you had that conversation, you went in and polled at once?—Yes.

1371. And he went into the polling-booth and saw you poll?—Yes.

Cross-examined by Mr. *Welsby*.

1372. Where do you live?—At Ballyvaskin.

1373. Is that 18 miles from Ennis?—I should think it is.

1374. You had come two days before the polling, as I understand, to the fair?—Yes.

1375. The fair was over the day before the polling?—Yes.

1376. When Mr. Kenny first canvassed you, you say you refused him?—I did.

1377. But before you saw him upon the morning of the poll, you had made up your mind to vote for Vandeleur and White?—Yes.

1378. When you met him, you told him you were under expenses in the town?—Yes.

1379. And he said you would have your car hire?—Yes.

1380. Is that all?—That is all.

1381. How long were you in the town altogether?—Three days; I came in on Sunday evening.

1382. And went away on Wednesday, I suppose?—On Wednesday.

1383. How did you come from your home?—By a mail car, on Sunday evening, to Ennis.

1384. How did you go back?—I went back by car to Kilrush.

1385. How far is that?—About 22 miles, Irish.

1386. How came you to go to Kilrush and not to go home?—Getting an opportunity of a car there.

1387. You could not get a car to Ballyvaskin, but you got one to Kilrush?—Yes.

1388. Did you then walk from Kilrush home?—No; I took a car from there home.

[The Witness was directed to withdraw.

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MARTIN FLYNN was called in; and, having been sworn, was Examined by Mr. *Mundell.*

M. Flynn.

9 March 1860.

1389. WHAT are you?—A farmer.

1390. Where do you live?—At Illain, in the county of Clare.

1391. When were you first spoken to by any one about your vote?—I was spoken to the day before the polling day.

1392. Was that at your own house?—It was in the village of Milltown.

1393. How far is that from your home?—About a quarter of a mile at the most.

1394. By whom were you spoken to?—By the land agent of Sir Edward Fitzgerald, my landlord.

1395. Is his name Morris?—No; this man's name is Considine.

1396. What did he say to you about your vote?—He said the tenants were all required by the landlord to poll for Mr. Calcott and Colonel White.

1397. He was the first man who spoke to you about your vote?—Yes, he was.

1398. Did you come into poll?—I did.

1399. Did you poll at the town-hall at Ennis?—I did.

1400. Was that the first or the second day of the poll?—To the best of my recollection, it was the second day.

1401. Now, before you polled, did you see a man named Thomas Naigle?—I did.

1402. Had you any conversation with him about polling before you went to the poll?—Not before I went, but I had with Mr. Morris; he was clerk to the agent of Sir Edward Fitzgerald.

1403. You never had any conversation with Naigle until after the poll?—I had not.

1404. When you had the conversation with Morris, was Naigle by?—Well, I think he did come by, but I had no conversation with him.

1405. He came by when you were talking with Mr. Morris?—I think he did.

1406. After the poll was over, did Naigle give you any money?—He did.

1407. How much?—When the polling was over, I saw him give some money to other persons, and I asked him was it their expenses. He told me it was. "You may as well give me mine, if I am to get any," said I.

1408. Is that all that passed between you before he gave you the money?—That is all.

1409. How much did he give you?—To the best of my recollection, it was 2 *l.*

1410. What did he say when he gave you the money?—He asked me if I polled; I told him I did, and he handed me the 2 *l.*

1411. Whom did you poll for?—For Colonel White and Colonel Vandeleur.

1412. After he gave you the money, did Naigle have any further conversation with you about it?—Well, he did.

1413. What was that?—He asked me, "You did not poll for Colonel Vandeleur?" "No," said I, "I did not."

1414. What did he say then; was he pleased or angry, or what?—He said, "You have a right to give me part of the money you have got; you have no right to get so much." "I will do no such thing," said I, "for if I am to have my day's expenses at all, I think I have got little enough for my day's expenses."

1415. Did he say whom you ought to have voted for if you had voted right?—That was as much as to tell me I ought to have voted for Colonel White and Colonel Vandeleur.

Cross-examined by Mr. *Welsby.*

1416. What is Naigle?—A farming tenant, belonging to Sir Edward Fitzgerald.

1417. Where does Naigle live?—About two miles from my place.

1418. Had Naigle canvassed you before?—No, indeed he had not.

1419. How far had you to come into Ennis?—Sixteen Irish miles.

1420. That is about 24 English miles, is it not?—I think about that.

1421. How did you come?—I rode my own horse.

1422. How did you go back?—The same way.

1423. When did you come?—That morning.

1424. When did you go back?—I do not know whether I went back that night or the following morning; it was either the one or the other.

1425. You do not recollect?—I do not.

1426. How is that?—It was either that evening or the following morning.

Re-examined by Mr. *Mundell.*

1427. Is Sir Edward Fitzgerald any relation of Sir John Fitzgerald, the late Member?—I think Sir John is his uncle.

[The Witness was directed to withdraw.

JOHN CUSTIN was called in; and, having been sworn, was Examined by Mr. *Wordsworth,* through an Interpreter:

J. Custin.

1428. ARE you a voter for the county of Clare?—Yes.

1429. Did you vote at the last election?—I did.

1430. For whom?—I voted for Colonel Vandeleur, and Colonel White.

1431. Do you know Michael Kenny?—Yes, I know him well.

1432. Did you get any money for having voted for Colonel Vandeleur and Colonel White?—I did.

1433. How much?—I did not get what I was promised, but I got 2 *l.*

1434. Had you been promised by Michael Kenny any greater sum?—His man promised it.

1435. What is his name?—Michael O'Brien.

1436. How much had he promised you?—He promised me the price of a cow to myself and my son.

1437. Michael Kenny gave you 2 *l.* after you voted?—Kenny called me, and left the 2 *l.* on the table, and told me to take it; it is not out of his own hand he gave it to me at all.

1438. Where was it that Kenny put the 2 *l.* on the table?—I don't know the house, but it is Over-street, in Ennis.

1439. Was the house beyond the bridge at Ennis?—It was.

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J. Custin.
9 March 1860.

1440. Do you know where the Court-house is at Ennis?—I do.

1441. Was the house you spoke of where the 2*l.* was put on the table for you, near the Court-house?—It was a good way up the street.

1442. How far?—I don't know.

1443. How many perches?—I don't know.

1444. Were there any other persons in the same room when Kenny put the money upon the table?—There was two more, the same as myself.

1445. Do you know their names?—I know them well.

1446. What are their names?—Michael Fynn and James O'Brien.

1447. The *Committee.*] Were they with you when you took up the money?—There was one of them out before me, the other after me, when I took the money.

1448. Mr. *Wordsworth.*] Did you see whether those two men Fynn and O'Brien got any money?

Mr. *Welsby*] I object to this question, as no charge had been made in connexion with either of the parties named.

Mr. *Wordsworth* withdrew the question.

1449. When Kenny put the 2*l.* upon the table, did you see any other money upon the table?—I did, a good deal.

1450. What sort of money was it; gold, silver, or bank notes?—Bank notes.

1451. What part of the house was it that this room was in, where you went to get this money?—It was very hard to get up at all to where I got it.

1452. Was it at the bottom or the top of the house, or in what part?—In the middle of the house, as far as I can tell.

1453. When you were going into the room, do you remember seeing James O'Brien coming out of the room?—It is not through the same door we went in that we came out, at all.

1454. Did the door that you came out of lead into a different street to the door by which you entered?—It was not; it was out through a dirty back street that I was put out of, and that I would not wish for a good deal to be put out through.

1455. When you went into the house and got the money, did you go in through the back way or the front way?—There was a stairs outside going up where I went in, and there was an iron railing down by the stairs.

1456. I want to know whether you went in at the front of the house, and came out after you got your money at the back, or whether you came out at the same way that you went in, after you got the money?—I went into a lane, and when I went into the lane, these stairs was inside of the lane, and I went up-stairs into the room.

1457. When you went out, did your going out take you into a different street to that by which you entered?—It is not, or any street like it.

1458. Did Kenny ever say anything to you about your coming here and telling about this?—He did not; and he sent for me, and I did not go to him.

1459. At any time after the election did Michael Kenny, or anyone else, say to you that it would be the worse for you?

Mr. *Welsby* objected to the question.
The question was withdrawn.

1460. Mr. *Wordsworth.*] Did Michael Kelly at any time after the election say anything to you about your giving evidence before this Committee?—A man told me.

1461. Did Michael Kelly say anything to you after the election?—He did not.

Cross-examined by Mr. *Welsby.*

1462. What passed when you got the 2*l.*; how came you to go into this house when you got the money?—Kenny's man told me to go into such a house.

1463. When you were there, what did you say to Kenny, or what did Kenny say to you?—I did not say anything at all, but I stuck it in my pocket, and he told me to walk out. He called my name, and told me to put the money into my pocket.

1464. How far do you live from Ennis?—As far as I can understand, I am about 14 or 15 miles.

1465. It was at Ennis that you voted?—It was.

1466. How did you come into Ennis?—Another man gave me a lift into Ennis.

1467. How?—In a common car.

1468. What is the name of that man?—A brother-in-law of mine.

1469. What is his name?—John McMahon.

1470. How did you go back?—The same way.

1471. With the same man?—No, not with the same man.

1472. You went back by a car?—No, I walked home.

[The Witness was directed to withdraw.

GEORGE COPELAND was called in; and, having been sworn, was Examined by Mr. *Mundell.*

G. Copeland.

1473. WHAT are you by business?—I am a farmer.

1474. Do you live at a place called Dunmore?—I do, indeed.

1475. Did you poll at Ennis?—Yes.

1476. How far is that from Ennis?—I am not sure, but I have heard people say it is 21 Irish miles.

1477. Are you a voter for the county of Clare?—I am, sir.

1478. How did you vote at the last election?—For Colonel Vandeleur and Colonel White.

1479. Did you mean to vote from the beginning for Colonel Vandeleur and Colonel White, or how was that?—I don't understand your question.

1480. Were you going to plump at any time for either of them?—I don't understand that question.

1481. Did you always mean to vote for Colonel Vandeleur and Colonel White?—Well, I did not; but I meant to do it when I got there.

1482. At another time did you intend to vote for one only?—Yes; if I had taken my own conveyance, I would have voted for one only.

1483. Which was that?—Colonel Vandeleur.

1484. When you intended to vote for Colonel Vandeleur, did some one's conveyance come up for you?—Yes.

1485. A car?—Yes.

1486. And so instead of taking your own conveyance,

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veyance, you went over in one of Colonel White's cars to Ennis?—Yes.

1487. When you got to the polling place at Ennis, you voted for Colonel Vandeleur and Colonel White, I understand?—Yes, I did.

1488. Before that, had any one had a conversation with you about any payment for your vote?—No.

1489. After you had voted, did you see a man named Thomas Frawley?—I saw a man who told me his name was Frawley; I don't know whether it was Thomas.

1490. Did you see him when you were voting?—No, I did not.

1491. When he came up to you what did you say?—He said, "Did you vote for Colonel Vandeleur and Colonel White?" or he said, "You did vote," I am not sure which; I told him I did, and he told me he had 2*l.* to give me by way of expenses, and I told him to give me such then, and he said he would.

1492. Did he give you the 2*l.*?—He did about an hour and a half after that.

1493. Where did you go to get 2*l.*?—Near the top of the town; I did not observe the sign over the door. *G. Copeland.* 9 March 1860.

1494. What sort of a house was it?—A low house.

1495. Was it upon the ground floor, or upstairs?—I think there was nothing but a ground floor in it.

1496. Whom did you see in the house?—I see some girls.

1497. How came you to go to that low house where the girls were?—He wanted to give it in a house, and not in the street, he told me.

1498. And then he took you into the house?—Yes.

1499. Excepting the girls and Frawley, there was no one else by?—There was more by, but they did not belong to the house.

Mr. *Welsby.* I have nothing to ask you.

[The Witness was directed to withdraw.

THOMAS CHAMBERS was called in; and, having been sworn, was Examined by Mr. *Mundell.*

1500. ARE you a voter, and do you live at Dunmore?—Seven years. *T. Chambers.*

1501. Have you been a voter seven years, or have you lived at Dunmore seven years?—I don't well know the question you put.

1502. Are you a voter?—I am a voter.

1503. For the county of Clare?—Yes.

1504. And you live at Dunmore?—Yes.

1505. Did you vote at the last election?—I did.

1506. Who asked you for your vote the first time?—I had directions to vote as I went.

1507. From whom did you receive directions?—My landlord's man.

1508. Before you voted, had you any conversation about your expenses?—No.

1509. For whom did you vote?—For Colonel Vandeleur and Colonel White.

1510. After you had voted, did you go to a hotel kept by Mrs. Brennan, in Ennis?—I did.

1511. Who told you to go there?—The man that brought me there.

1512. Who was the man?—A man of the name of Frawley.

1513. What part of the country does Frawley come from?—The neighbourhood of Ennis.

1514. Had you known him before?—I had.

1515. When did you first see him; before or after you voted?—After I voted.

1516. Tell me what he said to you?—Here is 40*s.* from Colonel White for your expenses.

1517. Where was it he said that?—At Brennan's hotel.

1518. Who was by at the time?—No one.

1519. Did he say what it was for when he paid you?—For my expenses.

Cross-examined by Mr. *Welsby.*

1520. That was after you voted?—Yes.

1521. How far had you come?—About 24 miles, I believe.

1522. Twenty-four Irish miles?—I think about that.

1523. How did you come?—I paid car hire myself.

1524. There and back?—There and back.

1525. How long were you in Ennis?—I spent one night there.

1526. Who is Frawley; did you ever see him before that day?—I did.

1527. Who is he, and what is he?—A farmer.

1528. Where?—In the neighbourhood of Ennis.

1529. How near is that to Dunmore?—I could not say exactly; perhaps about 15 or 16 miles.

1530. The *Committee.*] What amount had you paid for your car hire?—I paid car hire myself.

1531. How much?—Three shillings in the mail car to go, and 4*s.* back in a post car.

1532. How much altogether?—Seven shillings.

[The Witness was directed to withdraw.

EDMUND M'INERTENY was called in; and, having been sworn, was Examined by Mr. *Mundell.*

1533. ARE you a farmer in the county of Clare?—Yes. *E. M'Inerteny.*

1534. Where do you live?—Near O'Callaghan's mill, 4½ miles from Tulla.

1535. You are a voter for the county, I believe?—Yes.

1536. For whom did you vote at the last election?—For Colonel White and Colonel Vandeleur.

1537. Do you know Mr. Charters B. Maloney, a solicitor?—I do.

1538. Had you any conversation with him about being employed in any way in the election?—I had.

1539. What was that?—As out-agent.

1540. Did you see much of Mr. Charters Maloney at Tulla at that time?—I did.

1541. What was he doing?—I see him walking in and out.

1542. Did you see him with any voters at any time?—No, I did not.

1543. Was there a committee-room at Tulla for Colonel White?—There was.

 1544. Where

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E. M'Inerteny.

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1544. Where was that?—There were two or three of them.

1545. Give me the names of them; was there a house kept by Pat Ready?—That was the general one.

1546. And one kept by Pat O'Grady?—Yes; that was another as far as I could learn.

1547. Were there any printed papers upon it?—There was.

1548. Was there a Mrs. Falvey who kept another?—I believe there was; I did not go in there.

1549. Was there one kept by Michael Little?—I did not go in there.

1550. Were there the same papers on the outside?—I saw them.

1551. Were there papers also on Mrs. Keene's house?—I did not see them.

1552. You know Pat Ready's committee-room?—Yes.

1553. That was the general committee-room?—Yes.

1554. Did you ever see Mr. Charters Maloney there?—Yes.

1555. What was he doing?—I see him doing nothing; he was walking in and out.

1556. Were there any cars employed for the purpose of bringing up voters?—Yes.

1557. Who ordered where they should go?—I don't know; I got no orders about them myself.

1558. You saw Mr. C. Maloney twice about his engaging you as an agent, did you not?—I did.

1559. The second time you saw him upon that subject, where did you see him?—I saw him walking down the street towards Mrs. Falvey's.

1560. Has Mr. Maloney an office in the village of Tulla; did you go into any house with him?—I did not since the day he appointed me.

1561. The day he appointed you, did you go into any house with him?—I did, I went into Ready's with him.

1562. Who was there besides?—Mr. O'Connell was there, and Mr. Scanlan.

1563. What did Mr. Maloney do when you were there with those two other gentlemen?—He only told me to go about my business.

1564. Was there any book?—No.

1565. Was anything written down in a book in your presence?—I wrote my own name down, that is all.

1566. Did you see a man named George M'Donnell?—I did.

1567. Living at Broadford?—Yes.

1568. Had you any conversation with him?—Yes.

1569. What passed between you and him?

Sir *F. Slade* objected to this question, on the ground that M'Donnell was not shown to have been an agent for the Sitting Member.

[The Witness was directed to withdraw.

Mr. *Mundell* was heard in answer to the objection.

Sir *F. Slade* replied.

The *Committee* decided that the question could not be put.

The Witness was again called into the room.

1570. Mr. *Mundell.*] When did you first begin to look out for voters for the purpose of polling; was it the first day of the poll?—The first polling day.

1571. Did you ask any voters for their votes?—I did.

1572. Were there several together when you spoke to them about their votes?—Yes.

1573. Do you know a man named Patrick Callaghan?—I do.

1574. Edward Collins?—I do.

1575. Michael Collins?—I do.

1576. Patrick Maloney?—I know him well.

1577. Were all those men together?—They were not; I don't even know who they voted for.

1578. Do you know Thomas O'Brien?—I do.

1579. Did you speak to him about his vote?—I did.

1580. When was that?—I am not certain sure on what day it was.

1581. What took place between you and him about his vote?—I asked him who he would give his vote to, and he told me he would give it to the man who would give him most money for it.

1582. What did you say upon that?—I told him I knew nothing about any money being given; and I told several others besides him the same, and I went away from him.

1583. Confine yourself to this man; you told him you knew nothing about the money, and then you say you told the same to other people?—Yes.

1584. Never mind about other people at present; what did you do then?—I went away from him.

1585. Where did you go?—I walked about the streets by myself, and I could not get him to go to the poll.

1586. Did you go and see any one after that?—I did.

1587. Who was that?—I thought to see Mr. Maloney, but I could not meet with him, and I met with a man named George M'Donnell.

1588. Did you have a conversation with George M'Donnell?—I did.

1589. After that conversation, did you again see the voter Thomas O'Brien?—I did.

1590. Well, tell me what you told O'Brien then?—I told him that George M'Donnell told me he would get him 3 *l.* for him.

1591. What did he say to that?—He said that would do.

1592. Did Thomas O'Brien poll?—He did.

1593. Did you see him poll?—I did.

1594. For whom?—For Colonel White.

1595. A plumper?—Yes.

1596. Is there another man named Thomas M'Inerteny?—Yes.

1597. Is he any relation of yours?—Yes.

1598. What relation?—My father.

1599. There is another man named John M'Inerteny; is he your brother?—Yes.

1600. Had you any talk with them about their votes?—Yes.

1601. The first time you talked to them, had you spoken to M'Donnell the second time or not?—No.

1602. The first time you talked to them, were they willing to poll or unwilling?—They was willing.

1603. When you first talked to your father and brother, were they willing to poll or not?—They were.

1604. They were willing?—Yes.

1605. Did

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1605. Did you ever talk to them about anything they were to have for their votes?—No.

1606. Never?—Never.

1607. Do you know a man named Edward Stewart?—Yes.

1608. Had you ever any talk with him about his vote?—I had.

1609. When?—The second day of the election.

1610. What did you say to him about voting?—I told him, as I told O'Brien, that M'Donnell would get him 3 *l.*

1611. For his vote?—Yes.

1612. What did he say to that?—He said he would not; that he could get more for it.

1613. What did you say then?—I told him I could not help him.

1614. Did anything else pass about his vote?—No.

1615. Did he poll?—I told him I could not help him; yes, he did give consent then to go.

1616. Did he give you consent to go?—Yes.

1617. Tell me what he said, then?—He went a bit, and then he said he would not go; that he could get more for it; with that I told him I could not help him, and I walked away home.

1618. Did he come after you, or did you go after him?—I went after him.

1619. When you went after him, what did he say?—He said he would not give it for that.

1620. Did he ever say, at any time, whether he would give it, or not?—He did.

1621. When was that?—In about an hour after I had been speaking to him first.

1622. When you saw him an hour afterwards, what did he say?—He said he could get 5 *l.* for it; and that he would not go with George M'Donnell and with me.

1623. Did you see him poll?—I did not see him poll, but I put him in the door.

1624. And he came out?—He came out.

1625. Do you know Dominick Stewart?—There were two brothers with him, as he said; I should know their names.

1626. There were three of them?—There were.

1627. Were you speaking to all three together, at the same time?—Yes, the very same.

1628. What did the other two say; what did Dominick and John Stewart say about voting?—They all gave the same consent.

1629. All were talking in the same way?—Yes.

1630. After they had polled, did you go to M'Donnell about it?—I did not; I had nothing to do any further with them.

1631. Did these three men go up together to the poll?—They did; I put them in the court-house door, and I don't know what became of them after that; I went about my business.

1632. Sir *F. Slade.*] You do not know that they polled?—I don't.

1633. Mr. *Mundell.*] Did you speak to any other voters about their votes?—I did.

1634. Can you give me the name of any others?—Patrick Mulloy and Patrick M'Grath.

1635. When did you speak to Patrick Mulloy about his vote?—The first day.

1636. What did you say to him?—I told him as I told the rest, that he would get 3 *l.*; and he said it would not do.

1637. What more?—He went away from me, and I said no more to him.

1638. Did you see him again?—No, until he had his vote given.

1639. Where did Patrick Mulloy live?—At Clonloughmore.

1640. You did not see him go to the poll?—I did not.

1641. Did you speak to anyone else?—To Patrick M'Grath.

1642. Did you speak to Michael Collins about his vote?—No.

1643. Or Callaghan?—No.

1644. Then, you had nothing whatever to do with the payment of any money?—No.

1645. You did not see any money paid at all?—Not a shilling.

Cross-examined by Sir *F. Slade.*

1646. You do not know whether any money was paid?—I do not.

1647. So far as you know, you cannot say whether you were telling this man a falsehood?—That I do not.

1648. I suppose it is just as likely you were, as not?—I do not know what they got, but I am telling you what I was told to do myself.

1649. By whom?—By M'Donald.

1650. Who was it that put you upon outside agency?—Mr. Maloney.

1651. What was your pay?—I do not know; he told me I would be paid according as I worked.

1652. Have you been paid?—No, not a farthing.

1653. What work have you done?—I did my best.

1654. Have you sent in any bill?—I have not.

1655. Have you made any claim?—I have not; I did not speak to the gentleman since.

1656. When are you going to get paid?—I do not know.

1657. When are you going to ask for it?—Well, I don't know that.

1658. Did you do any work at all?—I am not inclined to ask at all; I never expected anything at an election, and I never got anything.

1659. You have just said that he told you, you would be paid according to your work?—That lays to himself; if he pays anyone, I suppose he will pay me.

1660. Were you really, and in truth, employed?—I was.

1661. For a sum of money?—No, he only told me he would pay me according as I worked.

1662. Did you never tell him how you had worked, and how many voters you had got for him?—I did not; I have not spoken a word to the gentleman since.

1663. How many voters did you get for him? Whatever I took to the poll.

1664. That is because you told them this story of George M'Donald?—That is it.

1665. Did you invent that story?—No, I did not.

1666. You do not know whether any money was paid?—I do not.

1667. You had no authority to promise this to any of them?—No, I only had the authority I tell you.

1668. Your duty was only to see the voters, and bring them up to the tally room?—Just so.

1669. As I understand you, the first man you asked for his vote, said he would give it to the man who would pay for it best; you were quite horrified at that, and walked away?—That is it, because I knew nothing about the money.

1670. You

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E. M'Inerney.

9 March 1860.

1670. You had a conversation with M'Donald?—I did.

1671. Did you tell M'Donald that you could not get the men?—I did.

1672. Did he not then say, "You go and tell them they can get 3 *l.* a piece"?—That was it.

1673. Then they came quickly?—That was just it.

[The Witness was directed to withdraw.

Mr. JOHN CAUGLEY was called in; and, having been sworn, was Examined by Mr. *Mundell.*

Mr. J. Caugley.

1674. ARE you a shopkeeper at Ennis?—I am.

1675. What kind of shop do you keep?—A stationer's shop, and general shop.

1676. Was there a committee-room of Colonel White's at Ennis?—There was.

1677. Where was that?—At the house of Mr. Maguire.

1678. Did you go there just about the time of the election?—I did.

1679. Did you see Mr. Michael M'Namara there?—Yes.

1680. What was he doing?—I cannot say what he was doing in particular; I could not tell any particular thing he was doing.

1681. Let me know what you saw him doing at the committee-room of Colonel White?—He was talking about, like a parcel of gentlemen there.

1682. What other gentlemen were there?—There was a Mr. O'Reilly, who made a speech.

1683. A barrister, I presume?—I heard so.

1684. Any other gentleman?—Yes, a great number of gentlemen there; two Mr. Kenny's.

1685. Was Michael Kenny there?—I cannot say that; there was Mat Kenny there, to the best of my recollection.

1686. There were two gentlemen there of the name of Kenny?—I cannot say upon that particular occasion.

1687. You were in and out all the election, were you not?—Yes.

1688. Tell me the names of the gentlemen you saw there, when you went there. First of all, take Michael M'Namara; I should like to know whether you saw him there?—They were all talking about.

1689. Did you ever see him with any voters?—I don't believe I did. I cannot say that, because I know very few voters.

1690. How long have you lived in Ennis?—Twelve or thirteen years.

1691. And you know but few voters?—But few county voters. If the whole constituency of Clare were in the room, I do not suppose I could point out 40 or 50 electors?

1692. Of the 40 or 50 you could point out, did you ever see Mr. M'Namara with any of them?—Not with any I ever knew.

1693. What was Mr. M'Namara doing?—As regards the election?

1694. Did he give directions regarding it?—I dare say he did.

1695. You know whether he did or not; did you hear him give directions in respect of the election?

Sir *F. Slade* objected to the question, and it was withdrawn.

1696. Mr. *Mundell.*] What did Mr. M'Namara ever do in your presence with reference to the election?—Is it at the time of voting, or before the voting, that you are speaking of?

1697. Before the voting?—I saw him give directions to clerks to send circulars, and I saw him with the polling books.

1698. What was he doing with the polling books in the committee-room?—Appointing inspectors.

1699. All those were for Colonel White, I suppose?—Yes.

1700. And outside agents, do you say?—I did not see him appoint any.

1701. What more did you see him do; because you seem unwilling to tell us?—No, I wish to give you an answer to whatever you ask me.

1702 What more did you see him do?—At or before the election?

1703. Before the election, I am asking at present?—He appointed the several deputies in his own district, the Ennis district, and the polling clerks.

1704. You have said he did several things; did he bestow any appointment on you?—No, no general appointment: I knew him very well, and I was anxious to give Colonel White the best aid I could, which was little enough.

1705. Then he did not appoint you to any office?—Not to any particular office.

1706. Did he appoint you to any office at all, to do anything?—I don't know whether it was Mr. M'Namara or not; I rather think it was, though previous to the election. The evening that Mr. O'Reilly had been making a speech, the mob were ordered to get some refreshment; the people outside; and he said to me, "Cangley, will you write some orders?"

1707. Who directed that the mob was to get refreshment?—I cannot tell you whether it was Mr. M'Namara; there was a whole lot of people in the room; there was Mr. Bunting, a solicitor, and Mr. M'Keane, a solicitor, in the room.

1708. Can you pledge yourself as to whether Mr. M'Namara gave directions for the drink or not?—I have an impression that it came from two or three, and I dare say he was one of them.

1709. It was said to you, "Cangley, you had better write orders for these people"?—Yes.

1710. Did you write any orders?—I did.

1711. How many?—I cannot tell.

1712. More than one?—More than one, and more than twenty, but less than 100, I should say.

1713. To whom did you hand the orders?—An order was given to each trade of Ennis.

1714. For drink?—The order was to give to bearer, and 19 others, refreshment to the amount of 20 shillings, with my signature.

1715. I wish to know how many days that was before the election?—I think the first time it occurred was, perhaps, a fortnight; I cannot be correct to a day.

1716. Did it ever occur again?—It did.

1717. When was that?—Perhaps, some five or six days after.

1718. Was that at the same place?—Yes.

1719. Was that when some one was making a speech again?—Yes.

1720. Sir

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Sir *F. Slade* objected that the petitioners must first exhaust the case of bribery before entering upon the charge of treating.

The *Committee* decided that the examination ought to be confined at present to the charge of bribery.

Sir *F. Slade* applied for permission to strike out of the shorthand-writer's notes such questions and answers of the witness as referred to refreshment only.

The *Committee* declined to accede to the application.

1720. Mr. *Mundell.*] Did you receive any money at any time from Michael M'Namara?—I did.

1721. Will you give me the dats when you first received money from him?—I could not give the exact date.

1722. How long before the election?—I believe the first day of the polling.

1723. Do you remember this meeting when Mr. O'Reilly spoke?—I do.

1724. Had you received any money at that time?—I had not.

1725. Had you received any money at the time of the next meeting you talked about?—No.

1726. Do you think it was on the first day of the polling that you received the money?—I think so.

1727. How much was that?—As far as I can recollect, I should say it did not exceed 20*l.*; that is on the two polling days.

1728. Is that all the money you ever received from Mr. M'Namara?—It is not.

1729. What other money did you receive from Mr. M'Namara?—After the election?

1730. Yes?—I received a sum of money from Mr. M'Namara to pay the trades of Ennis.

1731. How much was that?—I should say in round numbers somewhere about 300*l.* I have no means of giving you the exact amount with me.

1732. When Mr. M'Namara gave you the 20*l.*, did he give you any directions as to what you were to pay with it?—Yes.

1733. What were they?—To pay car hire and expenses to voters; and I may tell you that I objected very much to have anything to do with it, but I took particular interest in Colonel White, and I wished to save him as much expense as possible; I am speaking now with reference to the 20*l.*; it may be a pound or two more, or it may not be so much.

1734. Were any instructions given to you by Mr. M'Namara as to whom you were to pay it; how you were to know to whom you were to pay it?—There were parties who knew the voters.

1735. Did you know those parties who knew the electors?—Some of them I did not know by name even; I knew their persons as seeing Mr. M'Namara speaking with them.

1736. And giving directions to them?—Yes.

1737. Did you know the names of any of those men who were acting, and who had received instructions from Mr. M'Namara?—There is only one man whose name I know.

1738. What is his name?—Daffy.

1739. What is his Christian name?—I don't know.

1740. Do you know where he lives?—I think he lives in or near Ennis.

1741. Are you sure you do not know the names of any other?—Of any that came to me, I did not, to the best of my present recollection.

1742. Did Mr. M'Namara ever point out to you any persons by whose direction you were to pay money?—He did not point them out, because I saw he was in communication with them, and I was in communication with Mr. M'Namara.

1743. How many of these people were there who came to you whom you have seen with Mr. M'Namara?—Two or three.

1744. How many voters came to you to be paid?—I cannot say; but if I were to give a guess, perhaps 10.

1745. Did Daffy bring any of them to you?—No.

1746. Some of those other men brought them to you?—Yes.

1747. And you do not know the names of any of the other men?—I do not.

1748. Have you been paid anything yourself in respect of your services?—I have not.

Cross-examined by Sir *F. Slade.*

1749. What were the exact directions which Mr. M'Namara gave you; do I rightly understand you that you had 20*l.* from him for the purpose of paying the expenses of the voters?—As far as my recollection goes, it might be about that.

1750. Was that the legal expenses of voters?—Car hire.

1751. Had you any authority from Mr. M'Namara to make any illegal payment whatever?—I had not; nor do I believe I made an illegal payment, for I had no communication with any voter prior to his voting.

1752. I suppose the way in which you performed this duty was to ascertain from the voter himself what it cost him to come up, and that you paid?—No.

1753. How did you pay?—I was told about the distance they came.

1754. Then did you form your own calculation?—Yes; I think some of the voters out of Ennis polling district came a distance of 30 or 34 statute miles.

1755. What would you give such a man as that?—The most that my memory can direct me to that I paid any one was 40*s.*

1756. In your judgment, was that an exorbitant payment?—I don't think it was; I should be sorry to travel 34 miles for 40*s.* and back.

1757. You say you had 300*l.* given to you to pay the trades of Ennis?—Yes.

1758. Are they voters?—I don't believe there is a voter in all the trades in Ennis; if there be, I am not aware of one.

1759. You say you saw Mr. M'Namara in the committee-room when Mr. O'Reilly made his speech?—Yes.

1760. Were there any other people in the room where you saw Mr. M'Namara?—A dozen, I should say, or more, perhaps.

1761. Were most of them either writing or dealing with the poll-books in the way you have seen gentlemen in a committee-room?—Not at the time of the speaking.

1762. You afterwards said you saw him giving directions to write circulars?—Yes.

1763. That was in the same room?—Yes.

1764. Not at the time of the speaking?—Nearly a fortnight after.

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Mr. *J. Caugley.* 9 March 1860.

1765. At that time were there many others in the room?—A good number.

1766. And a good many also writing, I suppose?—There were others writing.

1767. You say you saw him appointing inspectors?—Yes.

1768. Did Colonel White appoint the inspectors himself? Is this what you call appointing an inspector, giving him one of these papers (*handing the Witness an appointment*)?—No, I mean an inspector of a booth; I did not mean these.

1769. A man who comes and wants employment?—No.

1770. I do not understand what you mean by appointing an inspector; is the appointment in writing?—Yes, it is in writing; it is filled up by Mr. M'Namara, I suppose.

1771. Partly printed and partly written?—Yes; blank forms.

Re-examined by Mr. *Mundell.*

1772. Can you inform the Committee of any place in the Ennis polling district, that is 34 miles from Ennis?—I think the extreme boundary of Shricken.

1773. Did you take the pains to measure before you came here?—No, I am only speaking as a matter of opinion.

1774. What was the lowest sum you gave?—20 *s.* or 30 *s.*

1775. You have said there were no county voters who lived in the town?—Not that I know of.

1776. Do you know Michael M'Mahon, a butcher, there?—I do.

1777. Do you not know that he is a county voter?—I do.

1778. Do you know John Cousidine?—I don't know that he is a county voter.

1779. Do you know him?—There are several in the town; I did not think of Michael M'Mahon at the time.

1780. You speak of your belief as to the highest sum you gave; you would not like to swear that you did not pay 3 *l.*?—I am speaking to the best of my belief.

1781. You had notice to produce your books, had you not?—No, I had not.

1782. Have you spent the whole of this 20 *l.*?—I cannot say that, because I had other accounts.

1783. What other money did you receive from Mr. M'Namara?—I received money to take up the orders for the refreshments I had given.

[Adjourned to To-morrow, at Eleven o'clock.

Sabbati, 10° die Martii, 1860.

LORD STANLEY, IN THE CHAIR.

Names of Members called over:—All present.

Mr. *Wordsworth* intimated that he had finished the case with respect to the bribery, and was now going to proceed with the question of agency.

T. Collins.

THOMAS COLLINS was called in; and, having been sworn, was Examined by Mr. *Mundell.*

1784. WHERE do you live?—In Kilkee.

1785. Are you a voter for the county of Clare?—I am.

1786. Were you canvassed for your vote by a Mr. Francis Coffey?—I was.

1787. When was that; how long before the election?—He canvassed my vote twice.

1788. When was the first time, when he came to you alone, and canvassed your vote; how long was that before the polling?—That would be about 10 days before the polling.

1789. After that, did Mr. Francie Coffey come to you again with anyone?—He did.

1790. Who was that?—He told me it was Colonel White.

1791. He came with Colonel White himself?—Yes.

1792. Were they in a carriage?—Yes; but they were not in a carriage when they came to my house; I saw them before that in a carriage.

1793. Did the gentleman who was with Mr. Coffey, speak to you?—He did.

1794. Tell me what he said?—Mr. Coffey said, "Tom, this is Colonel White, and I come to you with him for your vote." Colonel White said, "Yes, I am come among you for Clare, where I expect to be returned to Parliament, and I expect your vote upon this occasion."

1795. Do you know whose carriage it was that they came in; was it a private carriage, a gentleman's carriage?—It was not.

1796. What sort of a carriage was it?—A post carriage.

1797. Now you say they came to you?—Yes.

1798. Did you see Colonel White and Mr. Coffey go anywhere else?—I did, before they came to me.

1799. To whose house did you see them go?—To John O'Donnell's, John Butt's, David Mullowney, and then my house was the next.

1800. Were these three houses that they went to the houses of voters?—They were.

1801. After they left you, did you watch were they went?—I did not.

1802. You

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1802. You do not know whether they went to the house of any other voters?—I do not.

1803. Did you see Colonel White and Mr. Francis Coffey again together at any other time?—No.

1804. Only at that time?—Yes.

1805. How long was that before the election that Colonel White canvassed you with Mr. Coffey; you say it was three days before the election when Coffey came the first time?—I said 10 days.

1806. How long after the first visit of Mr. Coffey was it that Colonel White came?—I do not know how many days.

1807. It was between that and the election?—Yes, it was between the time when Coffey first came and the election.

Sir *F Slade.*] I have no questions to ask this Witness.

[The Witness was directed to withdraw.

Mr. *Mundell* called the attention of the Committee to a hill and receipt for car hire, signed by Michael Naylund, and produced by the election auditor.

Sir *F. Slade* objected to this as any proof of agency as respects Coffey.

Mr. *Wordsworth* was heard in answer to the objection.

Sir *F. Slade* replied.

The *Committee* considered that the documents in question ought to be received *quantum valeat.*

The hill and receipt were then handed in, and were as follows:—

T. Collins.

10 March 1860.

"Clare Election, 1859.

"£. 20. 0. 0.

"Received from Colonel L. White, M.P., the sum of 20*l.*, being for me furnished as for car hire, due at the late election of the county of Clare.

"Dated 6th day of December 1859.

"Audited, "*James Neaton.*"

"Election Auditor."

"Clare Election, 1859.

"Colonel White to Michael Nealon, of Kilkee.

"To the use of my cars, per Francis Coffey, Esq., for Colonel White, on the canvass and during the election, from the 14th April 1859 to the close of the election, for the purposes of the out-agents, and bringing voters to the poll, 20*l.*

"*Michael Nealon.*"

Mr. *William Lane Joynt* was called, but did not answer.

Mr. *Wordsworth* announced that the election auditor, Mr. Stephen O'Halloran, was in the corridor of the House, but that he refused to appear and give evidence unless ordered by the Committee to do so.

The *Committee* ordered that Mr. Stephen O'Halloran do attend before the Committee.

The Counsel for the petitioner having stated that Mr. O'Halloran refused to attend except upon the summons of the Committee, the Chairman granted such summons.

Mr. STEPHEN O'HALLORAN now appeared; and was further Examined by Mr. *Wordsworth.*

Mr. S. O'Halloran.

1808. You were examined here the day before yesterday?—I was.

1809. As the auditor of the election accounts for the county of Clare?—Yes.

1810. Do you know a Mr. Joynt?—I do.

1811. Mr. William Lane Joynt?—Yes.

1812. Did you see him yesterday?—I rather think I did, but I could not swear positively; I think I did while I was at breakfast, at my lodging, yesterday morning.

1813. Where were you lodging?—Buckingham-street.

1814. What number?—Seven.

1815. You were at breakfast?—I was; and I think it was Mr. Joynt I saw walking down the street (I do not know the name of the street) with a parcel in his hand; hut I could not swear positively that it was him; my impression was that it was him.

1816. It was when you were at breakfast?—Yes.

1817. Ahout nine or ten in the morning?—Ahout half-past nine.

1818. Is your impression so strong upon the subject, as to enahle you to state upon your oath that it was not he?—Oh, no, I will not say that it was not him; on the contrary I think it was, but I will not swear it was him.

1819. Had you seen him the day before?—I think I did see him passing down the same street, the morning before.

1820. Have you any douht ahout it?—I saw a person passing at breakfast, and his appearance struck me at the time of passing that it was Mr. Joynt, but I should not like to swear distinctly that it was him.

1821. You will not swear it was not?—Oh, certainly not.

1822. Where was it that you saw him the day before?—In the same street, going in a contrary direction.

1823. What hour was it?—About the same hour in the morning.

1824. While you were at hreakfast?—Before I went to hreakfast that morning.

1825-6. When did you come to town?—On Wednesday evening.

1827. How recently hefore that had you seen Mr. Joynt?—I saw him ahout three weeks hefore.

1828. Have you heard from him sinces that?—I have, from London.

1829. That is to say you, down at Limerick, received from Mr Joynt, in London, a letter?—Yes.

1830. When?—I received it in February.

1831. In what part of February?—The heginning of February.

1832. Do you mean to say that you have not heard from him since?—Not since the last letter I had from him; about that time he wrote to me for some accounts and I sent them to him.

1833. Have you written to him since?—I wrote to him in reply to that letter.

1834. Now I am ohliged to put this question to you. Am I to understand that you have not seen him, so as to speak to him, since you have heen in town?—Certainly not; I told you I had not.

1835. You only told me you had seen him in the way you mention?—I told you I had not seen him to speak to him.

1836. Have

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Mr. S. O'Halloran.

10 March 1860.

1836. Have you sent anything to him?—No.

1837. Or desired anyone to go to him?—No.

1838. When you were examined here the day before yesterday, you produced the general accounts, and also certain vouchers which you received from Mr. Joynt?—Yes.

1839. Without referring at the present moment to the immediate time when you received that account and those vouchers from Mr. Joynt, just let me ask you whether you ever refused an application, on the part of the petitioners, for leave to inspect these accounts?—I did.

1840. You refused leave to inspect the vouchers?—No; if you will allow me, I will mention the matter. I received a letter from Mr. Callcutt some time in the month of January.

1841. This year?—This year. It was marked private, and it was asking me to let him know whether certain names were returned in Mr. Joynt's accounts.

1842. As agents?—As agents. That letter was marked private, asking me whether certain names were returned, and undertaking not to let my name appear in the matter, if I would tell them.

1843. You received that letter?—I did.

1844. Did you answer it?—I did.

1845. You have given us the contents of the letter, now what was the answer?—The answer was, that I declined to give any private information of any accounts that came into my possession.

1846. A very proper answer to give, no doubt. Now let me ask you another question. Having disposed of the application of Mr. Callcutt, do you remember an application from any other person for leave to inspect the accounts?—Mr. Callcutt himself came.

1847. After that letter?—After that letter.

1848. Did he ask for permission to inspect the accounts?—Yes; he came over and explained to me that he did not wish to ask me to do anything that was not perfectly right.

1849. He came to apologise, I suppose?—He explained to me that he thought, by my letter, that I had supposed he had asked me to do what was not right.

1850. Whatever might be his object for coming after that letter; after having said what was proper between gentlemen, did he ask then for an inspection of the accounts?—He asked me about these names; he asked me had I these.

1851. Did he not ask you in these terms: "I want to see these vouchers as a matter of right," using those words?—He did not.

1852. Did he ask you for permission to examine?—He asked to see these accounts, and he said, "If you feel that you ought not to show them, and it is a conscientious feeling, I will not trouble you."

1853. Was that all?—Yes; I felt that I ought not to show these accounts, and I said there was a legal means of making me show them. The reason I was so particular about it was this, that there was a trial about to take place in Dublin, a case of a penalty for bribery, and I thought this information was sought from me for that action, and I thought I had no right to give up the information, unless legally demanded.

1854. In the ordinary way, by a *subpœna duces tecum*?—Yes. Afterwards Mr. Callcott wrote to me, and referred me to the Acts of Parliament, and I came into town and saw his solicitor; I gave him an account, and offered to give him copies of the vouchers.

1855. You say you afterwards saw Mr. Callcutt's solicitor?—Yes.

1856. Did he not ask for an inspection of these accounts?—Yes, and I gave it to him.

1857. Did you give them to him to inspect?—I did.

1858. The vouchers?—Oh no; I told him I had not the vouchers with me, but if he wished for the vouchers I would send for them that evening or the next morning; he told me it was unnecessary, but to bring them with me to London.

1859. Do you not remember saying to Mr. Coffey, "This is the gentleman whom you saw"?—Yes.

1860. Mr. Callcutt's solicitor?—Yes.

1861. Do you not remember saying to him that there were no vouchers, but only documents for check-clerks and inspectors?—No, I do not. I told him I had the receipts and accounts that I had got from a Mr. Joynt in my possession, and I would give them copies of them, and I would send for them this evening or the next morning; and his answer to me was, "No, do not mind that, but bring them with you to London."

1862. They never were seen by anyone?—No.

1863. You are quite clear that you did not refuse to permit these documents to be seen?—Certainly not; I offered to bring them when the solicitor asked for them.

Cross-examined by Sir *F. Slade.*

1864. Is there the slightest pretence for the insinuation that is evidently made that you acted the part of a partisan in this matter?—Certainly nothing of the sort. I was particularly anxious to discharge my duty between both parties.

1865. When you were asked to produce them privately, for the private inspection of Mr. Callcutt, you declined?—Yes, and I thought I was warranted in it.

1886. You offered to produce them when legally demanded?—I did.

1867. There has been something said about the names of agents not being sent in on the part of Colonel White; were the agents sent in on the part of Mr. Callcott?—No, only with that account.

1868. Were the receipts sent in?—No.

1869. And you did not pay them?—No.

1870. Have you paid them since?—No.

1871. Therefore you have no vouchers for these payments which ought to have passed through you?—I have no vouchers for these payments; I stated so before.

1872. Have you left any of these vouchers behind in Ireland?—Which vouchers?

1873. Mr. Coffey's vouchers?—I did.

1874. Of the payments of the agents?—No, I did not pay any of the agents.

1875. You have no vouchers for payment of the agents?—No.

1876. The *Committee.*] Had the person who you saw yesterday morning, who you fancied was Mr. Joynt, his back to you or his face?—He had his side to me.

1877. And on the previous day?—On the previous day he had his back to me.

1878. You said he was going in a contrary direction that day?—He was coming down here; I was in this street, and he was sideways to me.

[The Witness was directed to withdraw.

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JAMES O'DEA was called in; and, having been sworn, was Examined by Mr. *Wordsworth*.

J. O'Dea.
10 March 1860.

1879. Do you remember going to No. 10, Craven-street, yesterday?—I do.

1880. About what hour of the day was it?—It was early enough in the day.

1881. When you got there did you inquire for anyone?—I did; I inquired if Mr. Joynt was stopping there.

1882. Was it a man or a woman of whom you made that inquiry?—A woman.

1883. What was the answer that you got?—She said that he was lodging there, but he was out.

1884. Did she say anything more?—She did not.

1885. Then you came away?—Then I came away.

[The Witness was directed to withdraw.

Mr. JAMES HORTON was called in; and, having been sworn, was Examined by Mr. *Wordsworth*.

Mr. *J. Horton.*

1886. WHEN you were furnished with the summons, signed by the noble Lord, the Chairman of this Committee, did you go with it to No. 10, Craven-street?—I did; I served the order yesterday morning.

1887. You went there about what time yesterday?—About one o'clock.

1888. Who did you see there?—Miss Elton.

1889. Anyone else?—No one else.

1890. Who did you inquire for?—Mr. Joynt.

1891. The gentleman named in the summons?—Yes.

1892. What answer did you get?—That he was not at home, and she did not know where he was.

1893. Was that all that she said?—Yes, I left the order with her, and requested her to give it to him the moment he returned home.

1894. Now I ask you, when you left the summons with her and the message, did she use the words that she did not know anything of him?—I believe those were the words, but I understood her to mean that she did not know where he had gone, or when he would return.

1895. You then came away and left the summons?—Yes, I then came away.

1896. This morning you went there again with a summons for Mrs. Elton and Miss Elton, the landlady of No. 19 and her daughter?—Yes.

1897. Did you see those persons?—I saw the two Miss Eltons.

1898. Did you give her the summons?—She refused to receive it from me, and consequently refused to attend; I left the order in the hall.

1899. Did you see Mrs. Elton, the mother?—I did not; she said she was confined to her bed.

1900. Who said that?—The daughter, Miss Elton.

1901. Did you ask for her?—I did.

1902. Was the summons directed against Mrs. Elton also?—It was.

1903. You left the summons?—Yes, it was all on one summons.

1904. You inquired for the mother?—Yes.

1905. And were told that she was ill in bed?—Yes.

1906. When you left the summons there, what do you say was said by one of the daughters?—She declined to attend; she said she could give the Committee no information, and declined to attend.

1907. When she said that, had she read the summons?—I read it to her.

1908. So that she knew what the document was, and where she was to go to under it?—Yes.

1909. Did you ask her to come with you?—She said she did not even know her way, and I said I would show her the way to the House of Commons.

1910. She said she did not know her way, and you offered to bring her with you?—Yes.

1911. And she refused?—Yes.

Cross-examined by Sir *F. Slade*.

1912. No. 10, Craven-street, is where you went to find Mr. Joynt?—Yes.

1913. Who told you where he was to be found?—The address was on the summons.

1914. You knew where he was to be found?—Yes; she acknowledged that he was living there.

1915. Did you know from her that he had been lodging there for several weeks?—No.

1916. Do you know it now?—No.

Mr. THOMAS BAKER was called in; and, having been sworn, was Examined by Mr. *Wordsworth*.

Mr. *T. Baker.*

1917. YOU are a Parliamentary agent in Spring-gardens?—Yes.

1918. And have been concerned in conducting this petition?—Yes.

1919. Did you go to Craven-street this morning?—I did.

1920. To No. 10?—To No. 10.

1921. Did you see anyone there?—I did.

1922. Who was it?—A young lady; she talked about her mamma being ill in bed. I insisted upon seeing her mamma; and after some time, I did see the old lady.

1923. Was she in bed?—She was not in bed; she had a cold.

1924. She had a cold, but she was not in bed ill?—She was not.

1925. When you saw her?—No.

1926. What passed between you and the mamma?—I could not get much information from the young lady, and in consequence asked to see the old one. Mrs. Elton told me that Mr. Joynt had gone away two or three days; she did not know whether it was two or three days. I asked her if she knew where he was gone to, and she declined to give any information about it. I asked her what day in particular it was; but she declined to give any information. I had previously had a good deal of conversation with the daughter, trying to get some facts from her, but she declined to give any information; and then her mamma came forward.

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Mr. *T. Baker.* 10 March 1860.

Cross-examined by Sir *F. Slade.*

1927. You are the Parliamentary agent in conducting this petition?—Yes.

1928. How long have the papers been in your office?—The petition some time; but the evidence came in detail.

1929. When did it come to your knowledge that the names of the agents were not to be found in the auditor's papers?—Not until Mr. O'Halloran was examined.

1930. Do you mean to say that the local solicitors had not examined the accounts before?—Not that I am aware of.

1931. Then you had no knowledge of what the accounts were?—Certainly not.

1932. They were not to be found in your papers?—Not what was contained in the accounts.

1933. But did you know the fact, that the names of the agents were not to be found in the accounts?—No.

1934. That took you by surprise?—I certainly did not know it before.

1935. I ask you, did it take you by surprise, or, is it the usual mode of throwing dust in the eyes of either side?—No.

1936. Then, it did not take you by surprise?—I thought the accounts ought to have given more information than what they appeared to do.

1937. Have you your own accounts?—Of our side? No.

1938. Then you do not know what information they would give us?—No.

1939. Do you not know, as a fact, that the local solicitors had a copy of the accounts furnished to them?—They had an account; they had no vouchers.

1940. I am not talking of vouchers?—They had an account.

1941. But that account did not disclose the name of any agent?—It did not.

1942. That was within your knowledge?—Certainly.

1943. My friend, Mr. Wordsworth, just now stated it only came out on Thursday; it was within your knowledge before then that there was no name of any agent disclosed?—Disclosed on the account, so far as the account went; but I thought they would be amongst the vouchers.

1944. How did you know Mr. Joynt was living at No. 10, Craven-street?—Well, that fact was communicated to me by Mr. Callcutt, upon my finding that it was exceedingly advisable to have Mr. Joynt.

1945. When was that?—The very morning upon which the summons was applied for and issued.

1946. Was that yesterday, or the day before?—I think yesterday morning, at 10 o'clock.

1947. Did you ascertain how long Mr. Joynt had been living there?—Well, I tried that, but there was a great discrepancy; at one time I was told that he was very well known there, and that he had, on and off, lived there for many months; I think she said years; and another time she told me she had only just arrived there, and had not yet furnished the rooms. That was by my telling her, if you do not tell me your name, I must go among the tradespeople, and ask them. She said that would be perfectly useless, because she had only been there so short a time that she had only been able to furnish a part of it.

1948. I believe the information conveyed to you was, that that was the usual lodging frequented by Mr. Joynt on all occasions when he came to London, for many years past?—There were different stories, and I did not know which to believe.

1949. It was stated to you?—No.

1950. I thought you said it was?—No; I did not say that; she said she knew Mr. Joynt.

1951. The information that you received, whether from her or not, was that No. 10 was his usual lodging when he came to town?—That was one statement; another statement was, that it could not be that, because she had only just furnished the rooms, and had only been there a few weeks.

Re-examined by Mr. *Wordsworth.*

1952. You have been asked by my friend about the time at which you first became acquainted with the account, asking you about the account distinct from the vouchers; when was the account first transmitted to you from Ireland?—I think two or three days before the Committee was struck.

1953. Had you any knowledge of that account except from the account so transmitted, and at that time?—Certainly not.

1954. Now, my friend has asked you whether you were not told that No. 10, Craven-street, was the usual town lodging of Mr. Joynt; had you ever known that Mr. Joynt resided at No. 10 until you went there yesterday morning?—Oh no, I did not know until yesterday morning, and then it was by making the inquiries.

1955. Until yesterday morning, had you any knowledge whatever, from any source, that Mr. Joynt was living at No. 10, Craven-street?—None whatever.

Mr. *Wordsworth,* on behalf of the petitioners, applied to the Committee to take some steps in compelling the appearance before the Committee of Mrs. Elton and Miss Elton, upon whom summonses had been served, as it was supposed that they could give some information which would enable the petitioners to produce Mr. Joynt before the Committee.

The proceedings of the Committee were adjourned for half-an-hour, and the officer of the House was directed in the meantime to convey to Mrs. and Miss Elton the order of the Committee for their appearance.

Mrs. HANNAH ELTON, having been sworn, was Examined by Mr. *Wordsworth.*

Mrs. *H. Elton.*

1956. Do you live at No. 10, Craven-street?—Yes.

1957. How long have you been living at No. 10, Craven-street?—From some time before Christmas.

1958. Did you go in about Michaelmas?—Between Michaelmas and December; at the half-quarter.

1959. That would be about the 8th November? I think so.

1960. Have you any daughters living in the house with you?—Yes.

1961. How

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Mrs. *H. Elton.*

10 March 1860.

1961. How many?—Two.
1962. Were they in the house this morning, when you left?—Yes.
1963. And yesterday?—Yes.
1964. And the day before?—Yes.
1965. Are you landlady of the house, No. 10, Craven-street?—Yes.
1966. How many lodgers have you?—Three.
1967. Is Mr. Joynt one of them?—Yes.
1968. How long has Mr. Joynt been one of your lodgers?—A fortnight to-day.
1969. What part of the house does he occupy?—The drawing-rooms.
1970. The drawing-room floor?—Yes.
1971. Did he take breakfast at your house on Wednesday last?—Yes.
1972. And dine there?—No.
1973. On Thursday morning did he breakfast there?—I don't know; I am not quite certain on Thursday whether he did or not; I rather think he did.
1974. Have you any doubt about it?—I rather think he breakfasted.
1975. You mean that he did?—I think so.
1976. Did anyone breakfast with him that morning?—No.
1977. Did you see him there on Thursday evening?—No.
1978. Did he breakfast there yesterday morning?—No.
1979. Not yesterday morning?—No.
1980. Has he breakfasted there, in point of fact, since Thursday?—No.
1981. Did he sleep there on Thursday night?—No.
1982. Has he slept there since?—No.
1983. Nor had any meals there since?—No.
1984. Did you see him before he went away?—No.
1985. Which of your daughters did see him?—I rather think one of them did.
1986. Your youngest daughter?—No, the youngest, the next.
1987. The elder of the two?—Yes.
1988. What is her Christian name?—Mary.
1989. What is the name of the other?—Hannah Margaret.
1990. They were both at home when you came away just now?—Yes.
1991. Has Mr. Joynt left any part of his luggage with you?—I cannot tell you; I think there may be some portmanteaus.
1992. Have you any doubt about it?—I think so.
1993. In his bed-room?—Yes.
1994. Has any message been delivered to you as from him, as to when he would come back again?—Not any.
1995. What do you do with his letters?—They are placed on the drawing-room table.
1996. Being on the drawing-room table, are they to wait there until he comes back?—If any friend calls, or any one comes and asks for letters, we give them to him.
1997. You mean Mr. Joynt's letters?—Yes.
1998. Has that been so since Thursday?—I don't know; yes, I think so; letters have been forwarded.
1999. Has any one called since Thursday and taken his letters?—Letters have been given.
2000. To some one who called?—A friend.
2001. Who is that friend?—I don't know.
2002 How came you to part with Mr. Joynt's letters to this gentleman who called for them?—Because I knew that no one would ask for them who was not authorised to do so. I suppose so.
2003. You suppose that no one would ask for them who was not authorised to take them?—Yes; I should think no one would come and ask for letters who was not authorised to do so.
2004. I suppose, having been in town a fortnight, he sends his linen to be washed, does he not?—Certainly.
2005. When does it come home?—When it is ordered.
2006. When is the proper time for its coming home?—Whenever it is ordered to come home.
2007. Some of his linen has been sent to the wash?—Yes.
2008. Where is it to be sent to when it comes back?—To be left till he gives directions about it.
2009. So that you expect him back?—I suppose so.
2010. Have you any reason to believe that he is not coming back?—No, not any; but I don't know when.
2011. Does your daughter know?—No.
2012. Has he paid his account?—No, I have not sent it in yet.
2013. Is your daughter Mary coming here this morning?—I believe so.

[The Witness was directed to withdraw.

Miss Mary Elton was called; and, having been sworn, was Examined by Mr. *Wordsworth.*

Miss *M. Elton.*

2014. You are the daughter of Mrs. Elton, the last witness?—Yes.
2015. Your mother tells us that Mr. Joynt is one of her lodgers?—Yes.
2016. Did Mr. Joynt breakfast at home on Thursday morning?—No, sir; oh, yes, Thursday I think he did.
2017. Did he breakfast there on Friday?—No.
2018. Do you remember seeing him in the house after breakfast on Thursday?—No, I don't think he was.
2019. After taking his breakfast in the house on Thursday, did he go out and not leave any word with you?—He did not leave any message at all.
2020. Did any cab come to the door for him?—No.
2021. Then he walked out?—Yes.
2022. Has he a latch-key?—Yes.
2023. Have you not seen him since Thursday morning?—No.
2024. Have you had any note or message from him?—None whatever.
2025. What have you done with the letters that came for him?—A friend sometimes calls for them.
2026. Have you given them to the friend?—Yes, what there were.
2027. When?—Yesterday.
2028. At what time?—In the evening.
2029. When you say in the evening, do you mean after four or five o'clock?—I mean after six.
2030. Had you ever seen that friend there before?—Yes, often.
2031. What

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Miss *M. Elton.*
10 March 1860.

2031. What is his name?—I don't know.

2032. Has that gentleman called for letters more than once?—No.

2033. Only once?—Only once.

2034. When do you say it was?—I think I told you it was last night.

2035. You say a gentleman called for his letters; I do not recollect whether I asked you whether you remember that gentleman having called there before at any time?—Yes, often.

2036. Do you see him in the room now?—(*After looking round.*) I do not.

2037. You gave that gentleman the letters last night?—Yes, I have said so.

2038. Did you not give him a piece of paper called a summons, which had been left from the House of Commons at the same time that you gave him the letters?—No, I did not give it to him; it is on the drawing-room table.

2039. Did you see it?—I cannot say.

2040. Where were you when you gave him the letters?—I took the letters to him.

2041. Where was he when you took them to him?—In the hall.

2042. You gave him the letters and you left the summons where?—It was on the drawing-room table.

2043. And you left it there?—Yes, I did.

2044. Did you tell that gentleman of it?—No, I did not.

2045. How was it that you gave letters that were waiting for Mr. Joynt to the gentleman who called for them, and yet did not give that piece of paper which was also for Mr. Joynt?—I don't know, I am sure; he only asked for letters.

2046. Had you not read that piece of paper?—I could not think of reading other people's letters.

2047. Was it a letter?—I did not notice what it was; it was not open.

2048. Was it not an open piece of paper?—It was not open.

2049. Take this paper into your hand (*handing to the Witness a lithographic form*); did you see a piece of paper like that?—The top was like this, but I do not know what the other was.

2050. If the top was like that how can you say it was not open?—Because it was doubled up.

2051. Fold it up as you say it was?—It was so. (*The Witness folded up the paper.*)

2052. It lay upon the table in the drawing-room much in that way?—Yes, like that.

2053. With no cover to it?—No.

2054. No envelope?—No.

2055. You read the words, "House of Commons"?—I saw it like that.

2056. You did not read the other part?—No; it was no business of mine.

2057. You did not give that paper to the gentleman who called for the letters?—I did not.

2058. The *Committee.*] Where is that paper now?—I suppose it is on the table.

2059. Do you know that it is there?—I dare say it is.

2060. Was it there when you saw it last?—Yes.

[The Witness was directed to withdraw.

Mr. *Wordsworth* applied to the Committee to take such steps as might be necessary to procure the attendance of Mr. William Lane Joynt, contending that upon the evidence there was good reason to conclude that he was keeping out of the way in order to avoid service of the summons which had been issued by the Chairman.

Sir *Frederick Slade* was heard in opposition to the application made on behalf of the petitioners.

Mr. Thomas Baker called; and further Cross-examined, by Sir *F. Slade.*

Mr. *T. Baker.*

2061. Is it not true that before the Committee was struck, Mr. Joynt was in the lobby talking with you?—It is.

Mr. *Wordsworth* replied.

Parties were ordered to withdraw.

When parties were again called into the room, the Chairman announced that the Committee had come to the following Resolution: "That it is their intention to require the attendance of Mr. Joynt as a witness. As the summons has been sent to his lodging, we hope it may not be necessary to take any further step at present; but if on Monday he is not forthcoming, we shall then consider what further steps it may be necessary to take to compel his attendance."

[Adjourned to Monday, at 11 o'clock.

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Lunæ, 12° *die Martii*, 1860.

LORD STANLEY, IN THE CHAIR.

Names of Members called over:—All present.

Mr. *William Lane Joynt* was called, but did not appear.

Mr. CHARTRES BREW MALLONEY, was called in; and, having been sworn, was Examined by Mr. *Wordsworth*.

Mr. *C. B. Malloney.*

12 March 1860.

2062. ARE you a Solicitor?—Yes.

2063. Do you carry on your profession in Tulla, in the county of Clare?—No.

2064. Where?—At Ennis.

2065. During the last election for the county, were you at Tulla?—Yes.

2066. Were you conducting the election for that district?—Yes.

2067. For whom?—For Colonel White.

2068. By whom were you appointed to do that duty?—I was employed, I think, at the assizes at Ennis; I think it was in February that I was first spoken to.

2069. By whom?—Mr. Joynt.

2070. Mr. William Lane Joynt?—Yes.

2071. Mr. William Lane Joynt is a solicitor at Limerick, is he not?—Yes.

2072. And land agent?—Yes.

2073. Land agent to Colonel White?—To Colonel White's father.

2074. You were first spoken to about it at the previous assizes?—Yes.

2075. By Joynt?—Yes.

2076. Were you spoken to by him afterwards?—Oh, yes; as the election approached.

2077. How often, do you think?—In the beginning of April.

2078. What were you to do?—I was to manage the election for the polling district of Tulla.

2079. For that purpose did you remain at Ennis, and go over to Tulla; or did you go over to Tulla and stay there?—I went to the district of Tulla, and through all Clare.

2080. You went through that district, and through the whole county?—Yes.

2081. What did you do in going through the county in that manner?—I solicited a number of my friends to vote for Colonel White.

2082. You tried to get votes for Colonel White?—Yes.

2083. You say you went through the whole of the county; was it by yourself, or was anyone with you?—A great portion of it by myself, and another part of it I went with Colonel White.

2084. Did Colonel White go with you into the Tulla district?—Yes.

2085. Canvassing?—Yes.

2086. On one day, or more than one day?—Oh, I think he was four or five days at Tulla.

2087. You were with him, canvassing, every day?—Yes; that is, in that district.

2088. I am speaking of that district; confine yourself to that district. I will call it your district. Now, during the four or five days that you were canvassing with Colonel White, was there a committee-room?—Do you mean before or during the election?

2089. During the four or five days that Colonel White was canvassing?—No; there was no committee-room then.

2090. Was there a committee-room afterwards; on the day of nomination; or during the days of poll, was there a committee-room at Tulla?—There were rooms taken, but there was no committee-room.

2091. There were rooms taken?—Tally-rooms.

2092. Was that in a public-house?—There were one or two in public-houses.

2093. Who kept them?—Shank was one, and White was another.

2094. Were both these public-houses used as tally-rooms, or only one of them?—Well, I think freeholders went into both.

2095. You were moving about, and you were the principal agent in that district?—Yes.

2096. You were moving about a good deal, were you not?—Yes.

2097. Have you any doubt that both houses were used?—Well, I cannot say as to one.

2098. Who hired these houses?—Mr. O'Connell.

2099. By your directions?—No.

2100. Sir *F. Slade.*] Do you know, of your own knowledge, that Mr. O'Connell hired them?—Only that he told me so.

2101. Mr. *Wordsworth.*] What is the Christian name of Mr. O'Connell?—Maurice.

2102. Now during the polling days, or the days before the polling days, had you not occasion to go to both these houses?—No; I was in Ennis that day.

2103. The day before?—Yes.

2104. But the day of the poll?—The day of the poll I was not in both houses; I was in one, but not in the other.

2105. Which one was that?—Shank's.

2106. But not in White's?—No.

2107. Did you give Shanks, at any time, any orders to supply anything?—I did not give him orders; but I got in some things there myself.

2108. What things?—Some mutton.

2109. Anything else?—I got some wine.

2110. How much?—I think about a dozen.

2111. Was that for your own consumption, or the consumption of anyone else?—There was a lot of gentlemen came a great distance, and I used to give them a glass of wine.

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Mr. *C. B. Malloney.*

12 March 1860.

2112. Voters for the county?—Some were, and some were not.

2113. Was there any order given by you to Shanks for any spirits or beer to be supplied to anyone?—Certainly not.

2114. Do you know what Shanks was to be paid for the use of his room?—£. 10, I think.

2115. Has he been paid?—I do not know.

2116. Sir *F. Slade.*] Do you know, of your own knowledge, that he was to have 10*l.*?—Mr. O'Connell told me.

Sir *F. Slade.*] Then that is not evidence.

2117. Mr. *Wordsworth.*] Who was there besides O'Connell that was associated with yourself at Tulla?

Sir *F. Slade.*] You must not ask that; he has not said he was associated.

2118. Mr. *Wordsworth.*] Was Mr. Maurice O'Connell there?—Yes.

2119. What did he do?—Tried to get persons to vote for Colonel White.

2120. Was there any other person so employed or so engaged?—I do not know.

2121. Do you know a person named William Scanlan?—I do.

2122. Was he engaged in the same way as O'Connell?—Oh, yes; he was anxious to get persons to vote for Colonel White.

2123. I am not asking whether he was anxious; but did he try to get voters for Colonel White?—I heard him ask persons to vote for Colonel White.

2124. That was Scanlan?—Yes.

2125. And O'Connell the same?—Yes.

2126. Was there any room in which you, O'Connell, and Scanlan met together?—Yes.

2127. About this election?—Yes.

2128. Was it called a committee-room?—It was called a tally-room.

2129. At whose house was that?—A man of the name of Ready's.

2130. You are not speaking of either of the two public-houses?—I am not.

2131. But of a third house?—Yes.

2132. Was that a private or a public-house?—He is a hardware merchant.

2133. Was that house taken by you for the purpose of a committee-room for the election?—It was taken by me for a tally-room, for the voters to go into when they came; it just adjoined the court-house.

2134. You have mentioned three places where there were tally-rooms; two public-houses and Mr. Ready's house?—Yes.

2135. You say O'Connell, Scanlan, and yourself, met at Ready's?—Yes.

2136. Have you paid anything for the use of Ready's house at all?—No.

2137. Have you had any bill for it?—Yes.

2138. You say it has not been paid?—I said I did not pay it.

2139. But you got a bill from him?—Yes.

2140. What did you do with that bill?—It was sent by my clerk to Mr. Joynt.

2141. By your directions?—Yes.

2142. Were there any other bills sent to Mr. Joynt at the same time?—Yes.

2143. How many?—I could not tell you.

2144. You can tell me within a dozen?—Well, I cannot.

2145. Were they so numerous that you cannot tell the Committee within a dozen how many bills were sent?—I saw very few of the bills at all; it was my clerk who managed it.

2146. They were sent to Mr. Joynt by him by your direction?—Yes.

2147. Do I understand you to state, with some degree of positiveness, that you do not know how many bills there were sent in to you?—I do; immediately after the election I went away for the summer to Dublin.

2148. How soon after the election did you go?—I went to Dublin, I think, three or four days after the election.

2149. How long were you absent?—I was then absent until about the middle of June. I then came home to attend circuit.

2150. What is the name of the clerk to whom you gave orders to send these bills to Mr. Joynt?—Patrick Cunningham.

2151. When you came back in June, when you had to attend the assizes, had you any application from Colonel White or Mr. Joynt about any bills?—No; I never had any application at all.

2152. I asked you just now about Ready's bill, and you told me that it had been sent in to you; is that it *(handing document to the Witness)*?—It is.

The bill and receipt referred to were handed in, and were as follows:—

"Colonel Luke White to Patrick Ready, Dr.

"1859, June. To occupation of house at Tulla, during the late election for the county of Clare 25*l.*

"To C. B. Molony, Esq., Ennis."

"Clare Election, 1859.

"£. 25.—Received from Col. Luke White, M.P., the sum of twenty-five pounds, being for my furnished account as tally-room, due at the late election for the county of Clare.

"Dated 3d day of December 1859.

"Audited, "*Patrick Ready.*"

"Election auditor."

2153. Now, you told us that you took two houses, one of the public-houses and Ready's?—I took Ready's.

2154. Did you take Pat O'Grady's?—Yes; I took two houses.

2155. And one is Pat O'Grady's; that you are speaking of now?—Yes.

2156. Was the same sum to be paid for that?—Yes.

2157. Was there also a house used for the election kept by, or belonging to Mrs. Falvey?—It was taken, but I never saw any person in it.

2158. It was taken?—I am speaking now of what Mr. O'Connell told me.

2159. Had you any bills sent in for it?—I have no recollection of any bills from Mrs. Falvey.

2160. You have mentioned some houses; was there another house kept by Mr. Keene?—Yes.

2161. And Michael Little?—Yes.

2162. Who took this?—

2163. Sir *F. Slade.*] Do you know this of your own knowledge?—Except what I was told.

2164. Mr. *Wordsworth.*] Did you go to these houses during the election?—No.

2165. Did you receive the bills from these persons in respect of those houses?—Little spoke to me about being paid.

2166. My question was, whether you got any bill?—I believe I did.

2167. From

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2167. From whom?—It was sent.
2168. What became of that bill?—My clerk sent it to Mr. Joynt.
2169. By your orders?—Yes.
2170. Now, with reference to those houses that you have spoken of, and these bills, did you ever pay any part of these sums; had you any money to pay any part of these sums?—To pay for the houses?
2171. Yes?—No.
2172. You never received any money with which to pay for these houses?—No.
2173. For any other purpose?—I did.
2174. How much?—£. 1,000.
2175. From whom did you receive that?—I received 100 *l.* of it from Mr. Joynt.
2176. When was that?—In the beginning of April.
2177. From whom did you receive the other?—I got 500 *l.* from Mr. Matthew Kenny, and I got 400 *l.* from a Mr. Bunton.
2178. When did you get that 500 *l.* from Mr. Matthew Kenny?—I think it was on the 7th May.
2179. The day of nomination was the 9th, I think?—No, it was not; I think it was either the 6th or 7th; I cannot tell you.
2180. Was it on the day of nomination that you received from Mr. Matthew Kenny the sum of 500 *l.*?—No, I think it was the day after.
2181. Between the day of the nomination and the day of the poll?—I think so.
2182. When did you get the 400 *l.*?—On the 10th.
2183. You got 1,000 *l.* altogether?—Yes.
2184. Was all this expended upon the election?—I gave it to certain parties.
2185. But do you know what those parties did with it; for what purpose did you give it to them?—One gentleman said, that he had a number of cars, and I gave him the money, but he told me since that he had not expended it.
2186. What is the name of that gentleman?—Mr. Robert Hunt.
2187. Where does he live?—At Limerick.
2188. How much did you give him?—£. 150.
2189. The *Committee.*] Do we understand you to say, that he did not expend it?—Yes.

Sir *F. Slade.*] Mr. Hunt informed him since, that he had not expended it.

2190. Mr. *Wordsworth.*] Have you had it back?—No.
2191. Now, be good enough to name the other persons to whom you gave sums, part of this 1,000 *l.*?—I gave 100 *l.* to Captain Paterson.
2192. Where did he live?—He lives in Killaloe.
2193. For what purpose did you give it to him?—I did not ask him.
2194. Did he ask you for 100 *l.*?—He asked me for 100 *l.*
2195. And you gave it to him?—Yes, and he told me since he had the 100 *l.*
2196. You have never had any part of it back?—Never.
2197. Will you be good enough to name the other persons?—I gave 100 *l.* to Mr. Michael Scanlan.
2198. Where does he live?—At Victoria Park, in the county of Clare.
2199. What is he?—A person of large property there.
2200. For what purpose did you give that money?—I never asked him.
2201. He asked you for the money, and you gave it to him?—I gave it to him.
2202. So it was only to ask you for the money, and you gave it to these people without asking them what it was for?—I never asked him what it was for.
2203. Did they say what it was for?—They did not.
2204. What was it that they said when they got these sums of money?—That they wanted the money and were told to get it.
2205. Told by whom?—They did not tell me.

Sir *F. Slade* objected to these questions, on the ground that there was no general allegation in the petition of bribery and corruption.

Mr. *Wordsworth* contended that he had a right to put the questions.

Sir *F. Slade* replied.

The *Committee* decided that the questions might properly be put.

2206. I think you have given us the names of three gentlemen to whom you gave some of this 1,000 *l.*; was there a fourth?—There was.
2207. Who was he?—The Rev. Mr. Burke.
2208. Where did he live?—He lives at a place called Broadford.
2209. In the county?—In the county.
2210. How much did you give him?—£. 60.
2211. When did you give it to him?—It was the first day of polling.
2212. In the morning or the afternoon?—In the afternoon.
2213. About what time?—About eight or nine o'clock.
2214. Where was it?—He came to me, and I gave it to him at my lodgings.
2215. In Ennis?—No, in Tulla; I was at Tulla then.
2216. What money did you give it to him in?—In bank notes.
2217. Was anyone present when you gave him that 60 *l.*?—No.
2218. Do you know George O'Donnell?—George M'Donnell.
2219. Does he live at Broadford?—Yes.
2220. What is he?—I think he keeps a carman's stage there, for persons going backwards and forwards to stop.
2221. Was George M'Donnell present when you gave the 60 *l.* to the clergyman?—No.
2222. No one else?—No.
2223. It was given, you say, in your lodgings at Tulla?—Yes.
2224. No one was present?—No.
2225. What was it given for?—He told me he wanted to pay car hire.
2226. Did you see M'Donnell with that clergyman in the course of the same evening?—No.
2227. Or the next day?—No, I did not.
2228. Had you seen him during the day?—I have no recollection of seeing M'Donnell at Tulla.
2229. You do not recollect seeing him there?—No, I do not.
2230. Have you ever received any part of that money back?—Never.
2231. Did you give money to any others?—I did.

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Mr. *C. B. Malloney.*

12 March 1860.

2232. To whom?—To Mr. John Brown, of Limerick.

2233. What is be?—He is a land agent.

2234. What was that for?—Well, he told me he had a number of cars, and be wanted to pay for them.

2235. Does he keep cars himself?—No, be does not.

2236. How much was it?—£. 70.

2237. When was it you gave him that?—I think it was the second day of the election.

2238. After the election was over?—After the election was over; that is, after the second day's polling.

2239. You mentioned George M'Donnell just now; I will ask you did you give him any money?—No.

2240. What did M'Donnell do at the election; did he do anything?—I have no recollection of seeing him at all.

2241. Was he not appointed to do something at the election by you?—No, certainly not.

2242. Was there any other person to whom part of this 1,000 *l.* went?—There was.

2243. Who was it?—There was the Reverend Mr. Gleeson.

2244. How much did you give him?—I think 70*l.*

2245. Where did you give it to him?—In Tulla, at my lodgings.

2246. When?—It was the first evening.

2247. The evening of the first day's poll?—Exactly.

2248. Was any other person with you when you gave it?—Yes.

2249. Who?—Mr. Scanlan.

2250. Is that William Scanlan, whom you have spoken of to-day?—Yes.

2251. Was Mr. O'Connell there?—No.

2252. Anyone else?—I have no recollection of anyone else being there.

2253. What passed with respect to the money when you gave it to the Reverend Mr. Gleeson, in the presence of Scanlan?—Scanlan came to me and said, "I want to get some money for Father Gleeson; you had better give it to him."

2254. Upon that, did Gleeson come?—Gleeson was, perhaps, a few steps away in the room.

2255. Upon that, did you go to Gleeson, or did he come to you?—He came to the table, and I gave it to him.

2256. Was anything said as to what was to be done with it?—No.

2257. When Gleeson came to the table, you gave him the money without saying anything?—I did.

2258. Or without anything being said to you?—No; only that Scanlan told me to do it.

2259. Scanlan told you to do it, and you did it, and nothing was said about it?—Yes.

2260. That does not exhaust the 1,000 *l.*, does it?—No.

2261. Have you got any other name to give?—There was a large sum went to pay men.

2262. How much?—I think it was 136 *l.* or 140 *l.*

2263. To pay men, where?—Men who were employed during the election in Tulla.

2264. In that district?—In the village.

2265. What did they do?—They were employed for the purpose of protecting voters when they came into Tulla.

2266. Did you pay it?—No, I did not.

2267. To whom did you give the money in order that it should be paid?—To Cunningham, my clerk.

2268. Do you know the names of any persons who were employed in that way, and received any part of that money?—No, I do not recollect the names of the persons; they were men hired at 2 *s.* 6 *d.* and 5 *s.* a day.

2269. Do you know what I mean by an outside agent?—Oh, they were not outside agents; they were hired by the three parties in the town; there were parties hired for Mr. Callcott, Colonel Vandeleur, and Colonel White. It is usual in Ireland to have these men.

2270. Were they voters?—No, they were labouring men.

2271. The *Committee.*] What they call "roughs" in England?—Yes.

2272. Mr. *Wordsworth.*] You say there were three parties there; do you mean to say that Callcott had any hired parties?—There was a great number of men shouting there for him; but whether he hired them, I do not know.

1273. You do not know anything about that?—I know, if we had not the men there to protect us we would have been soon sent out of the town.

2274. I suppose Callcott was the popular man?—Yes.

2275. I suppose he is the most popular man of the three with a certain portion of the population?—Perhaps he is.

2276. Can you give the names of any others who got part of this 1,000 *l.*?—Well, before the election there was, I think, 118 *l.* spent.

2277. What was that in?—There was 30 *l.* of it paid in Tulla to men.

2278. For what purpose?—It was paid to them to cheer Colonel White when he was coming into the town.

2279. What became of the other part?—At Killaloe there was 10 *l.* spent for the same purpose.

2280. I will not ask you anything further in that direction. When you got these sums of money, 100 *l.*, 500 *l.*, and 400 *l.*, did you receive any directions as to what you were to do with them?—I got the 100 *l.* for the purpose of going about and giving to men before the election, at the different villages I was at; there was 118 *l.* spent in that way before the election.

2281. My question is, when you got the several sums of 100 *l.*, 500 *l.*, and 400 *l.* from the three different persons whom you named, what directions did you get from them at the time?—I got directions as to the 100 *l.*, that it was for myself; Mr. Joynt said it would be necessary for the purpose of going about the different villages to employ men.

2282. What did he say about it?—He said I should manage it as I wished.

2283. He gave you 100 *l.*?—He gave me two 50 *l.*, on different occasions.

2284. Were they cheques or notes?—Notes.

2285. And when you got the 500 *l.* from Matthew Kenny?—He said I would want money at Tulla.

2286. For the election?—For the election.

2287. What did you say to that?—He gave me the 500 *l.*

2288. You said nothing, but took the 500 *l.*?—I said I would.

2289. Now about the 400 *l.*?—The 400 *l.* Mr. Bunton brought, and gave it to me at Tulla.

2290. With

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2290. With what directions how to use it?—He did not tell me that.

2291. Do you mean to say that he walked into your room, and put 400 *l.* into your hands, without any directions as to what you were to do with it?—He said, "Here are 400 *l.* I have got for you."

2292. He said, "Here is 400 *l.*," and he gave it to you?—Yes.

2293. Without any directions?—He was a messenger who was employed at the elections; he was an attorney.

2294. An attorney, where?—An attorney at Ennis.

2295. He brought you 400 *l.*, said you would want the money, and gave it to you?—Yes; I could not recollect exactly what he said.

2296. Was it his own money, or the money of anyone else?—I am not certain.

2297. Was it said whose money it was?—I believe he got it in Ennis.

2298. Was it said?—No, he did not say; he was employed for Colonel White, and he brought me the money.

2299. Was it in notes, or a cheque?—In notes.

2300. He said, "You will be wanting some money; here is 400 *l.*;" was that all that passed upon the subject?—I really cannot tell you; I believe that is what he said; "You will want money, and I have brought 400 *l.*," or something of that kind; I cannot tell you now.

2301. Now, having received this sum of 1,000 *l.*, did you never receive any further sum?—Never.

2302. Have you got any account of these disbursements?—I have.

2303. The names of the persons from whom you received the money, and the names of the persons to whom you gave it?—I have the names of the persons to whom I gave it, but I have not the names of the persons from whom I got it.

2304. Is that account kept in a book, or is it a loose account?—It is a loose account, partly kept in a book, and partly not.

2305. Was any copy of it ever sent to Mr. Joynt?—Yes.

2306. By your orders?—Yes.

2307. When?—I think it was in November.

2308. An account of your disbursements of the 1,000 *l.*?—Yes.

2309. Was any part of this thousand pounds spent amongst persons at Tulla, to hire houses, or anything of that sort?—No.

2310. In addition to the account of the way in which this 1,000 *l.* was spent by you, sent to Mr. Joynt, did you send at the same time, or any other time, the bills that had come in for the hire of the houses, and so on?—Yes.

2311. You say you sent this account of the items of your disbursements of the 1,000 *l.* in November?—Yes, I think in November.

2312. I almost forget whether you told me when it was that you had sent to Mr. Joynt the bills that had been sent in for these houses?—It was at the same time; my clerk did it.

2313. So that the account of your disbursements of the 1,000 *l.*, and the bills that you had received from persons at Tulla were sent at the same time?—I think so.

2314. Were there any other bills sent at that time by you to Mr. Joynt besides those which you mentioned, and which went at the same time as this account of the disbursements of the 1000 *l.*; any bills or claims?—There were.

2315. From how many people?—From a great number.

2316. And did they go at the same time?—Yes; my clerk, I think, sent them all together.

2317. Have you ever had any communication with Mr. Joynt upon the subject of that account and these bills since that time?—No, I have not.

2318. Or with anyone sent by him?—No.

2319. Or Colonel White?—I saw Colonel White here the other day.

2320. You have never had any talk with Mr. Joynt upon the subject of these bills or these accounts?—Some man of the name of O'Donnell, who stated that his house was taken, came to me in Limerick as I was passing along; I went in to Mr. Joynt, and I said, "This man is complaining of not being paid;" he said, "I will not pay him."

2321. When was that?—Somewhere about Christmas.

2322. The *Committee.*] Who was that?—A person of the name of O'Donnell, who was claiming to be paid for a house in Limerick, and I went to Mr. Joynt with him.

2323. Mr. *Wordsworth.*] That was in December?—Yes.

2324. Was anything said by Mr. Joynt about the petition?—No; I felt annoyed; I was not there two minutes.

2325. Joynt said he would not pay him?—He said he would not.

2326. Was that one of the men employed under you at Tulla?—No; he was a man who had his house taken, he said, by Scanlan or O'Connell. No, no; I recollect now; his house was taken by me.

2327. At Tulla?—Yes.

2328. When you took that house, how much were you to pay him?—I think it was 20 *l.*

2329. Was it coming through Limerick, on your way to Dublin, that he stopped you?—Yes, and I felt annoyed.

2330. And you took him to Mr. Joynt?—Yes.

2331. Did he hear all that passed between you and Joynt?—Oh, yes; he was standing in Mr. Joynt's office.

2332. Mr. Joynt, you say, said he would not pay him?—Yes.

2333. Did he give any reason for it?—He said he would not pay him.

2334. Had you sent in the bill or claim of this man to Mr. Joynt?—My clerk had.

2335. By your directions?—Yes.

2336. So then I understand you to have seen Mr. Joynt upon the subject of part of these expenses in December?—Yes.

2337. Have you seen Mr. Joynt very recently?—I have.

2338. How recently?—I saw him on Wednesday.

2339. Wednesday last?—Yes.

2340. Was that in the House of Commons?—No, it was not.

2341. Where was it?—At his lodgings.

2342. No. 10, Craven-street?—Yes.

2343. The day before the first day of the meeting of this Committee?—Yes.

2344. Have you seen him since?—No.

2345. Did anything pass between you and Joynt about the accounts of this election when you saw him on Wednesday?—We had very little conversation. I asked him what time we were to meet, and where the Committee would be. We only spoke about a few minutes, and then we spoke about a matter that occurred with a professional gentleman.

2346. Not

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Mr. C. B. Malloney. 12 March 1860.

2346. Not about this matter?—Oh, no.

2347. What I mean it this: was there any conversation between you and Mr. Joynt on that occasion, on last Wednesday, upon the subject of the election accounts for the county of Clare?—No; the conversation was as to the hour we should meet, and who the counsel were; he asked me when I was summoned.

2348. Nothing more than that?—No.

2349. Now, what were you to be paid for your duties at Tulla?—I have no more idea than you have; I have not the slightest idea.

2350. You have not been paid anything?—No.

2351. Have you got any fund in hand out of which to pay yourself?—Indeed, I have not.

2352. All the 1,000 *l.* is spent?—Yes; I think I have paid 18 *l.* more.

2353. That 18 *l.* will be out of your pocket?—Yes.

2354. You do not know what you are to be paid?—No; I have no more idea than you have what I am to be paid; I never asked.

2355. Have you sent in any claim?—No, I have not.

2356. Now, you have spoken of Maurice O'Connell and William Scanlan; what did they do at the election?—Mr. O'Connell was a personal friend of Colonel White's, and he was assisting as a friend; he was no agent; he is a gentleman of large property in Clare, and he was of course soliciting all his tenants to vote, and get all the persons they knew to vote.

2357. Who was the other?—Mr. Scanlan was largely connected in the county.

2358. They being voters too?—Yes.

2359. What did Mr. Scanlan do?—I think he was soliciting all his friends to vote for Colonel White.

2360. Did you see them in the tally-room?—Oh, yes.

2361. Going in and out?—Yes.

2362. And at the polling-booth?—Yes.

2363. Did you see them taking up voters to vote?—Yes; I have seen them walking with them.

2364. Sir *F. Slade.*] Taking them up to the poll?—Yes; I saw them walking into the court-house with voters.

2365. Mr. *Wordsworth.*] From time to time, during the two days' poll, did they communicate to you what they had done, or what was being done?—Well, yes.

2366. From time to time did they tell you of what they were doing, or what they had done?—They told me they were getting persons to vote.

2367. You had communications with them?—I had.

2368. Do you know an hotel at Ennis called Calmody's?—Yes.

2369. Do you remember attending a meeting there before the election?—I think I recollect attending a meeting at Calmody's, some time before the election, of the different attorneys.

2370. The different attorneys employed for Colonel White?—Yes, that was the day we were employed; I told Mr. Joynt at the time he spoke to me at the assizes that if Lord Francis Cunningham was to contest the county again, I should act for him.

2371. This was the day that the appointment of the agents took place?—Yes; I think it was in the beginning of April, three weeks or more before the election.

2372. Was Mr. Joynt there?—He was.

2373. How many professional gentlemen were there there?—I will name them. There was Mr. James Hynes, of Ennistymon.

2374. Was Matthew Kenny there?—Yes; Matthew Kenny of Ennis, Michael Kenny, Michael Macnamara, John Kenny, John Kelly, Bryan Purcell, John Frost, and Timothy Bunton.

2375. Is that the Mr. Bunton from whom you got the 400 *l.*?—It is.

2376. And yourself?—Yes, and Michael Molony.

2377. With the exception of the two last, Bunton and Molony, were all the rest solicitors?—Those two were solicitors.

2378. Then they were all solicitors?—Yes.

2379. How long were you assembled together on that occasion?—I should think about an hour.

2380. Had you writing materials before you?—Yes.

2381. Was any arrangement made as to the district you should take?—There was.

2382. Was Mr. Matthew Kenny appointed to Kilrush?—No; he was appointed at that meeting to Ennis, and Michael Kenny was appointed to Kilrush; they afterwards changed places.

2383. Where was Mr. Michael Macnamara to be?—In Ennis.

2384. While I am upon that name, allow me to ask does he not live in Gaol-street, Ennis?—He has got an office there; he lives outside the town.

2385. What district was Mr. Hynes to have?—Enuistymon.

2386. And yourself Tulla?—Yes.

2387. And Mr. Frost?—Six-Mile Bridge.

2388. And the other two, Bunton and Michael Molony?—Molony, I know, was in Ennis.

2389. And the other?—The other must have been at Tulla.

2390. Where was Mr. Purcell?—Mr. Purcell and Mr. Kelly were to have been at Kilrush.

2391. Were any other agents appointed, or any other persons to act in any way at that meeting?—No; there were no other persons.

2392. What did Mr. Joynt do?—Mr. Joynt said he should not be in the county; he should go to Longford; but he afterwards came back into the county; he said he knew nothing about the county.

2393. Do you know Francis Coffey, of Kilkea?—Yes, I know him.

Cross-examined by Sir *F. Slade.*

2394. It seems that my friend knows who all the agents of Colonel White were; he has taken them all from his brief. Do you know if they have taken the precaution of summoning any one of those parties, with the exception of yourself?—No, I do not think they have.

Mr. *Wordsworth.*] How can he know that?

2395. Sir *F. Slade.*] Do you know Mr. Michael Macnamara?—I do.

2396. Is he here?—He is.

2397. Have you heard from him that he has been summoned?—I have.

2398. Is Mr. Michael Molony here?—No.

2399. Is Mr. Timothy Bunton here?—No.

2400. Is Mr. Joynt here?—I do not know.

2401. Have you heard from him that he has been summoned?—No.

2402. Have

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2402. Have you heard, on the contrary, that he has not?—I did not hear it from him.

2403. Is Mr. Bryan Purcell here?—No.

2404. Michael Kenny?—No.

2405. Matthew Kenny?—No.

2406. James Hine?—No.

2407. Not one of those parties are here?—No.

2408. Mr. Macnamara is here, and summoned?—He told me so.

2409. How many solicitors were engaged on Mr. Callcut's side; it was eight, I think?—I could not tell you who the solicitors were.

2410. I will ask you the names; was David Coffey his agent?—Yes.

2411. Was Mr. Richard Macnamara his agent?—At Tulla.

2412. Mr. Barry Collins?—I do not know him.

2413. Mr. F. A. Barlow?—He was in Ennistymon.

2414. Mr. J. W. Coffey?—I do not know him.

2415. Mr. William Thomas Rogers?—I do not know of my own knowledge that he was employed.

2416. Mr. Richard Scott?—Yes, I heard that Mr. Scott was employed.

2417. These are all professional men that I have given you the names of?—Oh, yes.

2418. I suppose you are familiar with the county of Clare?—Yes.

2419. Is it a very extensive county?—It is.

2420. One of the largest in Ireland?—It is a very large county.

2421. Are the voters very much scattered?—Very much.

2422. Are the voters scattered about in different places where there are no stage cars?—Oh, yes; there are some of them 16 or 18 miles from Tulla, up in the mountainous district.

2423. Where there are no stage cars?—No.

2424. And there is very considerable difficulty, I suppose, in bringing them in to the poll?—If you did not send the cars for them, they would not come.

2425. In Ireland, I believe, you always poll by tallies?—Generally by tallies of five.

2426. That is, you get five men together, who go up in a batch, and then five of your opponents go up?—Yes.

2427. So that you go turn and turn about?—Yes, and generally toss up for the first choice.

2428. I believe that is done for the purpose of getting the voters safely to the poll?—It is.

2429. And if it were not done by tallies, I suppose there would be a constant row; you could not do as we do in quiet England, let each man go up man by man?—Oh, no; there would be such a rush to the poll, and such a crowding there.

2430. So you are forced to have these tallies?—Yes.

2431. As it is necessary to have the tallies, which is the system adopted by both parties, is it also necessary to have tally-rooms?—Yes.

2432. And more than one?—Yes; there are different districts in each different place, and there are four polling places.

2433. Therefore you have a tally-room for each barony?—There are two divisions in Tulla; there is Upper and Lower Tulla, and there are three polling places for them.

2434. And you have a tally-room for each?—Yes.

2435. I do not suppose it is made a matter of complaint, that sums were paid for those tally-rooms; but were they fair and reasonable sums that are usually paid at election time, as far as you know?—Yes, I have paid higher.

2436. Do you happen to know what was paid by the other side?—I do not.

2437. The money that you received, the 100 *l.*, 400 *l.*, and 500 *l.*, was handed over in the way you stated; have you any reason to believe that any part of the money was used for bribery?—I know nothing of what was done with it, and never asked.

2438. Have you any reason to believe so?—No, I have not.

2439. Was it given to you for the purpose of being expended in a legal expenditure?—It was.

2440. Now, I will ask you, did you yourself expend any money in bribery?—I never did in my life.

2441. Now, do you know a man called Thomas Quinlivan?—I know a man of the name of Quinlivan.

2442. And you know Mr. Maurice O'Connell?—I do.

2443. That man states that he had a conversation with Mr. Maurice O'Connell in your presence, and he was told by O'Connell he would be engaged as an out agent; is that true?—It is.

2444. Was he engaged?—He was.

2445. Did you take his name down in a book?—I did.

2446. Do you know M'Ineroty?—I do.

2447. Did you employ him?—He came to me, and I took down his name; but I afterwards met him, and from the conversation I had with Mr. O'Connell, finding that he was a freeholder, I declined to employ him.

2448. As I understand you, he asked you to put his name down as an out-agent?—Yes, and I did so.

2449. Then, from a conversation that you had afterwards with Mr. O'Connell, you told him, that as he was a freeholder and a voter, you declined to put his name down?—I had put his name down, but I told him he could not be employed.

2450. You say that a number of men were employed, and 30 *l.* was spent in Tulla for cheering Colonel White; was Tulla a stronghold of the opposing Member?—He was very popular there, and so much so, that a great many of the men that we had paid turned over to him, and cheered for him; they were more active for him than for us.

2451. Therefore it became, in your judgment, necessary for the protection of Colonel White, and for the furtherance of his election, to hire these men?—Quite so.

2452. You say you frequently heard, or rather saw, Maurice O'Connell and Scanlan trying to get votes for Colonel White?—Yes.

2453. These are gentlemen of position in the county, are they not?—Oh, yes.

2454. I believe you might say the same of many other gentlemen?—Oh, yes, on both sides. Every gentleman there was using his influence. The friends of Colonel Vandeleur were using their influence, the friends of Mr. Callcutt were using their influence, and of course the friends of Colonel White were using their influence. Some of the gentlemen were the most active supporters that Mr. Callcutt had.

2455. I only put the question because I see the object

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Mr. *C. B. Malloney.*

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object is to endeavour to make these gentlemen agents when they were only doing what every gentleman in the county would do for the party he was for?—Every gentleman took one side or the other.

2456. And went the whole animal, to use a vulgar expression?—Yes.

Re-examined by Mr. *Wordsworth.*

2457. I have merely one question to ask you; you said to my friend, just now, what I did not succeed in getting from you, that you received this money for the purpose of legal expenditure, or words to that effect?—I did.

2458. May I ask you what directions were given to you at the time you received these sums of money?—I have told you that at the time Mr. Bunton said nothing at all.

2459. Bunton did not say that it was to be used in a legal expenditure?—No.

2460. Just let us try: Mr. Matthew Kenny, 500*l.*; what was it that Mr. Matthew Kenny said?—Well, I do not recollect what Mr. Matthew Kenny said.

2461. You have told my friend that these three sums of 100*l.*, 500*l.*, and 400*l.*, were given to you for the purpose of a legal expenditure about the election?—The reason of my answer to that question was in speaking, not of the time I got the money, but before.

2462. You have told me that Bunton said nothing?—No.

2463. Did Michael Kenny say anything when he gave you the 500*l.*?—Not when he gave the money, but before that. We all said that we should have to send cars; that is the reason that I said to the gentleman near you that it was for that purpose.

2464. I am asking you what was said to you at the time of the money being given to you; what did Matthew Kenny say about the 500*l.*?—I could not tell what he said; he said, "You will want money."

2465. You do not mean to say that he said to you, "Mind, this 500*l.* is to be spent in a legal expenditure on the election;" you do not mean to say that?—No, I do not.

2466. Now, as to the 100*l.*; what do you say as to that; I understood you to tell me, when I asked you in chief, that you had no directions about that money?—No, I had not.

2467. You had no directions?—The 100*l.* was given, as I told you, for the purpose of hiring men long before the election.

2468. By Mr. Joynt?—Yes.

2469. We will take it that you had directions as to the 100*l.*, but as to the 500*l.* and the 400*l.*, you had no directions at all?—At the time I had no directions; I got the money, but I had no directions.

2470. Was it anything more than a conception in your mind that it was to be so employed?—I had my own conception, because I would be no party to any bribery, and from the conversation we had before about the matter.

2471. I may take it, that as to the 500*l.* and 400*l.*, you got no directions as to the way in which it was to be spent?—I did not.

Mr. William Kenny was called in; and, having been sworn, was Examined by Mr. *Mundell.*

Mr. *W. Kenny.*

2472. Were you appointed the election expense agent for Colonel White?—I was.

2473. Have any accounts ever been furnished to you in respect of this election?—No.

2474. I need hardly ask you; you have made no payments, then, in respect of his election?—No, I have not.

2475. Since the date of your appointment, which we find was on the 9th of May, you have been a mere cipher in the matter?—I have not acted in any way.

2476. Did you take any part in this election in any way, either in managing or canvassing?—Yes; on one occasion I accompanied Colonel White canvassing.

2477. In what district?—Ballyvora.

2478. Where would people in that barony poll?—At Ennistymon; at least that is my impression.

Sir *F. Slade.*] I have nothing to ask.

[The Witness was directed to withdraw.

Mr. John White was called; and, having been sworn, was Examined by Mr. *Mundell.*

Mr. *J. White.*

2479. Do you live at Tulla?—Yes, sir.

2480. Does your father carry on business there as a publican?—Yes.

2481. Was your father's house used for the purposes of this election?—Yes.

2482. Were you by when the arrangement was come to as to taking it?—Yes.

2483. Who came to your father's house to make the arrangement for the taking of his house for the election?—It was for Colonel White's committee room that the house was taken.

2484. Who was present?—Mr. Maloney and a gentleman named Scanlan, and Mr. O'Connell too.

2485. Were you there?—Yes.

2486. And your father?—Yes.

2487. When you five were there, tell me what took place about taking your house?—At the time we were inside, Colonel White drove up outside; we had no time to make arrangements, there was such a hustle; and then my father said, "Whatever you are going to give the others, I will take."

2488. Was that all that passed?—That is it.

2489. Did you get any directions at any time as to the supply of drink in the house?—Yes.

2490. From whom did you get those directions?—Mr. Scanlan.

2491. Did you get any directions from anyone else, as to the supply of drink?—I don't recollect that I did.

2492. Have you made out a bill in respect of your house being engaged?—I suppose my father did.

2493. Had you nothing to do with that?—No.

2494. Did you ever see Mr. Maloney in your house?—Well, I did not, except when he came to see his sister; she was staying in the house.

2495. Did

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2495. Did Mr. Maloney ever come to your house when any drinking was going on?—I didn't see him.

2496. Have you sent in any account for drinking that went on in your house?—I have not.

2497. Have you seen any account made out in respect of that drinking?—I have, partly.

2498. Do you know whether that account was sent to anyone?—Yes, it was.

2499. Sir *F. Slade.*] Did you send it?—My father did.

2500. Mr. *Mundell.*] In your presence?—Yes; some person from Colonel White came for it.

2501. Who was that person who came for the account?—I think it was Mr. Maloney's clerk.

2502. A man of the name of Cunningham?—Yes, I think that was the name.

2503. Have you any books here with reference to accounts that were sent in?—No; my father has, I think.

2504. You have not got any of them here?—No.

Mr. *Mundell* called upon Sir *F. Slade* to produce the account sent in to Mr. Joynt.

Sir *F. Slade* said he knew nothing about it.

2505. Mr. *Mundell.*] You said that drink was given: give the names of some of the people by whose direction you gave drink?—Mr. Scanlan.

2506. No one else?—That is all.

2507. At any time was there any meeting in your house when any money was paid?—Yes.

2508. Who was present at that time?—There was a gentleman present.

2509. What is his name?—To the best of my opinion it is Father Gleeson.

2510. Do you know the names of any of the men to whom he paid money?—No; indeed I know none of them.

2511. When the money was paid, what did Father Gleeson say about the payment of it; did you hear that?—He was giving them 1 *l.* a man.

2512. Did he say what for?—I don't recollect that he said what for.

2513. About how many were there there who received money?—As far as I can suppose, there was about 40 or 50 men; there might be more or less.

2514. Do you know whether these men were voters or not?—I did not know them personally, but I supposed them to be voters.

2515. Was anything said as to votes, either by Father Gleeson or by them?—Yes, there was.

2516. What was that?—Father Gleeson asked them if they had recorded their votes, and if not, he was not liable to pay them money.

2517. What did they say to that?—Them that was given the money said "Yes."

2518. Do you remember what part of the polling this was?—The first night of the polling.

2519. What room in your house was it that was occupied for these purposes?—The whole house was taken; at this time it was my own bedroom they were in.

2520. A room apart, up-stairs?—Yes.

2521. How high up?—One flight of stairs up.

2522. Was there any calling over of the names of the men?—They were, part of them, on the stairs waiting, outside the door; unfortunately I happened to go in. I thought this gentleman wanted to give refreshment to these men; and I considered the place he went into was rather small, and consequently I went in, to tell him that there was another apartment clear; and at that time he told me to stand by, to be a testimony for what was going to take place.

2523. A testimony for what?—I suppose to the giving up of this money at this time.

2524. How was it arranged about paying the men; was there any taking down of the names?—He had a memorandum there.

2525. Upon that memorandum did he make a mark of any kind, when he paid the men?—Yes, he did.

2526. He ticked them off?—Yes.

2527. And he asked you to be a witness to that?—A testimony; to be present.

2528. Did any other person come there upon the same kind of errand, to pay men?—No, I didn't see them.

2529. Was the whole of your house occupied by Colonel White's freeholders?—I suppose part of it was, because there was no rooms taken, but the house was taken.

2530. Was drink supplied?—Yes.

2531. When you supplied drink to these people did they pay the money themselves?—No, and it has not been paid since.

2532. You say you were present when the bill was furnished?—Yes.

2533. And handed to Mr. Cunningham?—Yes.

2534. What time was that; how soon after the election?—I cannot exactly say how long it was; I think it was about a month.

2535. Did you supply one bill only for the taking of the house?—I think I supplied a bill before that again. I think I furnished Mr. Scanlan with a bill before that.

Cross-examined by Sir *Frederick Slade.*

2536. You sent Mr. Scanlon a bill for the drink?—Yes; and the house along with it.

2537. I thought you said your father made out the charge for the house, and gave that to Cunningham?—It was my father.

2538. You said you gave, by your father's direction, a bill to Mr. Cunningham?—I did not.

2539. You were present when it was given?—Yes.

2540. And you, yourself, gave one to Mr. Scanlon?—I got it from my father, and I met Mr. Scanlon, and I gave it to him.

2541. That is not the one you gave to Mr. Cunningham?—No.

2542. Was not the one you gave to Mr. Scanlon for the drink supplied by his order?—They were both of the same amount.

2543. Was not the bill you gave to Mr. Scanlon, for the drink, supplied by Mr. Scanlon's order?—Was it supplied by Mr. Scanlon's order? Yes, to be sure.

2544. Now, I ask you how you came to be so unfortunately in the room; you went there for the purpose of suggesting a larger room?—Yes.

2545. You thought they were going to have a drink?—Yes.

2546. You found Father Gleeson up there; what was he doing when you went in?—I think he was sitting at the table.

2547. Did you tell them what you were come for?—I did.

2548. What did Father Gleeson say then?—He

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Mr. *J. White.*

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He said where he was, was place enough; they didn't want any more room.

2549. When was it he asked you to stand hy and be a testimony of what was going to take place?—When I went into the room

2550. Immediately?—Yes; immediately after going into the room.

2551. Before you told him what you came for, did he tell you to stand hy?—No, he did not.

2552. Was it after you told him what you came for?—Yes.

2553. What did he say?—He told me to stand by and be a testimony of what wae going to take place; I cannot exactly remember the words, but words to that effect.

2554. Why were you to he a testimony?—I don't know.

2555. Did you sign any paper?—I did not.

2556. Were you ever a testimony before, in the same way?—Never indeed, and I hope I never may he again.

2557. What did take place; did the men come up to the tahle, one hy one?—He called their names.

2558. Did he say what he was paying them was for their car hire; you were to be a testimouy?—Yes.

2559. Did he say that what he paid them was for car hire?—I don't recollect that he did tell them what he was giving the money for.

2560. Will you swear it was not said?—No, I will not.

2561. It might have been said?—It may have been said.

2562. Did he give them all the same amount of money?—Yes; in my presence.

2563. A 1 *l.* note?—A 1 *l.* note each.

2564. And you will not swear that he did not say it was for car hire?—I will not.

2565. Have you any doubt about it?—Not the least.

2566. That it was for car hire?—That I cannot say.

2567. Had any of these men voted for Mr. Calcott?—Yes, according to their acknowledgment; they acknowledged themselves, in my presence, that they voted for Colonel White and Mr Calcott.

2568. A man, whether he voted for Colonel White, or whether he voted for Mr. Calcott, got paid indifferently by Father Gleeson?—Yes; they divided their votes as far as I could see. He asked them if they had not recorded their votes they would get no money. A few of them said they would divide for Mr. Calcott and Colonel White. He asked several of them, and they said for Colonel White and Mr. Calcott.

Re-examined by Mr. *Wordsworth.*

2569. You say you heard him ask for whom they voted?—Yes.

2570. You are quite sure about that?—Yes.

2571. Was that before or after he paid them the money?—At the time he paid them.

2572. I understood you to say that three or four of them said Colonel White and Mr. Calcott?—Yes.

2573. With the exception of these three or four, do you remember whether the others said for whom they voted?—No; I don't think they said anything with regard to their votes.

2574. Did he ask whether they had voted, or for whom they voted?—No, he only asked a few of them; he did not ask the whole of them.

2575. You say that three or four of them, when asked for whom they voted, said they voted for Colonel White and Mr. Calcott?—Yes.

2576. Can you say how many were asked for whom they voted?—I cannot.

2577. You told my friend that you sent in an account for drink, and an account for the hire of the rooms?—Yes.

2578. Was that one and the same account?—They were both in the same account.

2579. Both charges?—Both charges.

2580. The charge for the house and the charge for the drink were both in the same account?—Yes.

2581. My friend has asked you whether at the time these persons were paid the 1 *l.* it was not said that the money was given for car hire or expenses?—I don't recollect that it was.

2582. Is your recollection sufficiently strong to enahle you to state that it wae said that it was for car hire or expenses?—I could not say.

2583. You do not recollect?—No.

2584. You say that the account you sent in to Mr. Cunningham contained the charge for the house and also for the drink?—Yes.

2585. Is that distinct from the account which was sent in to Mr. Scanlon?—They were both supplied with a bill each; Mr. Scanlon was supplied first.

2586. Were the same items in both bills?—Yes, to be eure.

2587. The *Committee.*] Did Mr. Scanlon pay the first bill?—They are all unpaid.

2588. He did not pay this bill, and you afterwards sent in the same bill to Mr. Cunningham?—Yes.

2589. The bill was first sent in to Mr. Scanlon?—Yes, and then Mr. Cunningham came to the house for the bill.

[The Witness was directed to withdraw.

STEVEN SHANKS was called in; and, having been sworn, was Examined by Mr. *Wordsworth.*

S. Shanks.

2590. ARE you a haker at Tulla?—Yes, sir.

2591. Do you remember being engaged in the last election for the county of Clare?—I do, sir.

2592. Who engaged you?—Three gentlemen at the committee-rooms of Colonel White.

2593. Where were those committee-roome?—At Mr. Reedy's.

2594. Who were the gentlemen?—Mr. Chartres Maloney, Mr. O'Connell and Mr. Scanlon.

2595. What were you to do?—I agreed with them for 10*l.* for my house.

2596. What was to be done to your house, or with your house?—I could get papers to put up; it was taken for a tally-room.

2597. Placards put outside?—Yes.

2598. What was there upon them?—"Colonel White's Tally-rooms." There was committee papers up too.

2599. When was it that your house was taken; how long before the election?—Not more than four or five days.

2600. Was it used for the election?—It was.

2601. From

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2601. From that time up to, I think, after the second day of the poll?—After the second day of the poll, it was.

2602. You say your own house was hired by these three gentlemen you have named?—Yes; I made a special agreement with them.

2603. Did they attend to do any business at your house?—Well, I could not say at that time; but the night before the election I got orders.

2604. You say they hired your rooms three or four days before the election?—Yes.

2605. Just bring yourself to the day before the first day of polling. Do you remember seeing these three gentlemen at your rooms together?—They were on the first day of polling; two of them was; I didn't see Mr. O'Connell till the second day.

2606. Were these three gentlemen at your house on the day before the first day of polling?—Well, I could not say they were.

2607. Were they the second day before the first day of polling?—Mr. Scanlon and Mr. Maloney were, but I don't remember seeing Mr. O'Connell; I saw him the second day.

2608. Did you see them all three together on the second day?—I cannot say whether the three was in together; but the three was in the house; perhaps they might be together.

2609. Whether you saw them altogether, were they using your house on the first and second day of the polling, coming in and out?—Yes.

2610. Did you receive any orders from Mr. Chartres Maloney?—I did.

2611. In writing?—No.

2612. Verbal orders?—Yes.

2613. What were the orders?—To have some mutton and hams prepared the night before the election.

2614. I do not want to ask you anything about mutton and hams. Had you any orders for drink?—Not from these three gentlemen, but I got it from other gentlemen that I considered was——

2615. Did you get any orders for drink from Mr. Maloney?—I did not.

2616. Did you from any one else?—I did.

2617. Who were they?—Father Quade and Mr. Skahan from Drewsborough.

2618. How far from Tulla?—About nine miles.

2619. He is a country gentleman there, is he not?—Yes.

2620. Do you know his christian name?—I think it is James; but I am not exactly sure.

2621. Have you ever applied to anyone for your account?—I did.

2622. To whom?—Mr. Maloney and Mr. Scanlon, and Mr. O'Connell several times.

2623. I believe you have never been paid?—Never a penny.

2624. You applied for payment of your bill to Mr. Maloney, Mr. Scanlon, and Mr. O'Connell?—I did.

2625. What answer did you get?—It was about a week after the election, or 10 days at the farthest, that Mr. Maloney came into the house to me, and told me, "Shanks," says he, "send me in your bill, which is the only bill in Tulla I care about."

2626. Did you give it to him?—I asked him would I go to Ennis on the Saturday following that; but he asked to send it by post.

2627. And you sent it?—Yes.

2628. Where were you to send it?—To Mr. Maloney I sent it.

2629. To Ennis?—Yes.

2630. You say that you never got paid?—Not a penny.

2631. Have you a copy of it?—I have (*producing the same*).

2632. You say this is a copy of your bill?—An exact copy.

2633. I asked you whether you had received any orders for drink, and you told me you got orders for mutton and hams?—Yes.

2634. I understood you to say you did not get any orders for drink; is that true or not?—I had orders to give them anything they wanted, the freeholders.

2635. Who gave you the orders?—Father Quade and Father Burke; there was several gentlemen, but I did not mind to keep them in my memory.

2636. The account, I see, amounts to 96*l.* 1*s.* 2*d.*, and the first item is, "Per agreement for house, 10*l.*"?—Yes.

2637. The second item is "17 hams, bacon, 12*l.* 15*s.*"?—Yes.

2638. Then, "19 flitches bacon, 23*l.* 15*s.*;" and then, "Bread, 21*l.*" Then I find "60 dozen of biscuits, 1*l.* 10*s.*:" and the next item is, "15 gallons of spirits, 11*l.* 5*s.*;" "43 gallons of ale, 4*l.*; 31 gallons of porter, 3*l.* 2*s.*; 15 dozen of lemonade, 1*l.* 10*s.*; 11 dozen of porter, 1*l.* 7*s.* 6*d.*; 9 dozen of ale, 1*l.* 2*s.* 6*d.*; 35lbs. of mutton, 8*d.* per lb., 1*l.* 3*s.* 4*d.*, and four bottles of pickles, 4*s.*; one account book, 10*d.*"; making a total of 93*l.* 1*s.* 2*d.* Then there is an item of "Cash paid to George M'Donnell, in account, 3*l.*," making altogether, 96*l.* 1*s.* 2*d.* What does that last item mean?—He came to me, I think, the second day of the election, and said his uncle sent for 3*l.*; his uncle is Mr. William Scanlon.

2639. That was one of the gentlemen who had hired your room?—Yes.

2640. And you gave him the 3*l.*?—I did.

2641. Has George M'Donnell a vote?—No, not a vote of his own.

2642. You gave him 3*l.*?—Yes.

2643. Was that on the first or the second day?—The second, I should say.

2644. M'Donnell was very busy in the election, was he not?—I don't know; I was very busy myself.

2645. Did you see M'Donnell with Mr. Chartres Maloney?—No, I did not; I scarcely stirred outside my doors for the two days.

2646. You do not mean to say that this supply of gin, porter, and other things were consumed by these three gentlemen who ordered your rooms, Mr. Chartres Maloney, Mr. Scanlon, and Mr. O'Connell?—No, that would not be consumed by them.

2647. Who were the parties who consumed them?—I should say the greater part of them was freeholders.

2648. Voters for the county?—Of course.

2649. How many do you think?—I declare I could not say.

2650. As many as 50?—There was, and over.

2651. As many as 100, do you think?—I would not swear.

2652. Between 50 and 100?—I might swear that.

2653. Were they eating and drinking on both days of the poll?—Yes.

2654. Morning, noon, and night?—All hours of the day.

2655. And far into the night, were they not?—Up to about 11 o'clock.

2656. Did

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S. Shanks.
12 March 1860.

2656. Did many of them go away sober?—Well, I suppose they did.

2657. And many of them went away drunk, or the worse for drink?—I cannot say but one man; I don't know whether he drank in my house. I did not consider he was a freeholder.

Sir *F. Slade* objected to this course of examination, it not being proved that Father Burke and Father Quade, or Mr. Scanlon, were agents for Colonel White, the Sitting Member.

Mr. *Wordsworth* was heard in answer to the objection.

Sir *F. Slade* replied.

Parties were ordered to withdraw.

Upon parties being re-admitted, the *Chairman* announced that the Committee had come to the following Resolution:—

"That the agency of Mr. Maloney being admitted on both sides, Counsel have a right to put questions relating to the account sent in to him. We consider that the fact of the account having been sent to him as a whole, makes him *primâ facie* responsible for it, although of course it is open for the Counsel on the other side to show that he is not in fact so responsible."

Stephen Shanks, recalled; further examined by Mr. *Wordsworth*.

2658. Before you supplied the spirits, ale, and porter, did you go to Mr. Maloney about it, or ask him about it?—No, sir, not the first night of the election.

2659. As it was being supplied, after you began and before you finished the supply, did you speak to Mr. Maloney about it?—I did.

2660. What did you say to him?—I told him that there was a great consumption of drink.

2661. What answer did he make?—He said it made no matter; that it was all right.

Cross-examined by Sir *F. Slade*.

2662. I see that in this bill your first item is 10*l.* per agreement for the house?—Yes.

2663. The first spirit item is 15 gallons of spirits?—Yes.

2664. Who ordered that?—Father Quade told me to give drink to the people brought there. I sent out for it according as it was wanted. Each gentleman would bring in a batch of men and say, "Give these men anything they want."

2665. Were they voters who had to drink?—I should say some of them was.

2666. You are not certain whether they were or not?—They were.

2667. All of them?—Not all of them.

2668. The greater part of them?—The greater part of them.

2669. Do I understand you to say, that as the men voted they came in, and that you gave them drink by Father Quade's orders?—I could not say whether they had been polled off or not.

2670. Did you not know that they had voted?—I could not say; it was after they had been polled off.

2671. Did you not know, when they came, which way they had voted?—I knew that Father Quade would not bring them to my house if they were not freeholders.

2672. You do not know of your own knowledge that they were?—Not the great part of them; but I knew some of them that were.

2673. Do you know any of them by name?—Mr. William Scanlon.

2674. That is the gentleman you saw with Mr. Maloney?—Yes.

2675. Do you mean to say he was treated to any part of these spirits?—He was up-stairs; I could not say what he took.

2676. Was he the only voter you know?—Mr. Skahan is another.

2677. That is the party who gave you the order?—Yes.

2678. Do you know of any one who partook of these spirits and porter, who was a voter, except Mr. Skahan and Mr. Scanlon?—There are several I know, but I would not be able to tell their christian names.

2679. Tell us the name of any one?—There is more than one of the Skahans; there was the man who lives in Drewsborough.

2680. Was there another Skahan?—There was.

2681. Was that Michael?—I could not say.

2682. But that Skahan voted?—Yes.

2683. Now, give me the name of any single voter who partook of these spirits, who had not voted, upon your oath?—I cannot tell you; I know several, but I don't know the christian names of them.

2684. What were the four bottles of pickles for?—They were kept up-stairs.

Re-examined by Mr. *Wordsworth*.

2685. My friend has asked you whether these spirits and the ale and porter were given to persons after they had voted?—Yes.

2686. When was it that you first began to supply the spirits, ale, and porter?—About 12 o'clock the first day of the election.

2687. The first day of the election?—Yes.

2688. Were there any persons there, voters who got any portion of these spirits, ale, and porter before they went up to vote?—Well, I could not say that; I could not say whether they were polled off or not.

2689. You cannot say whether it was before or after?—I could not say.

2690. But it began, you say, about 12 o'clock the first day?—Yes.

[The Witness was directed to withdraw.

[Adjourned to To-morrow, at Eleven o'clock.

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Mercurii, 14° *die Martii*, 1860.

LORD STANLEY in the Chair.

Names of Members called over:—All present.

MR. BURROUGHS SHARKEY was called; and, having been sworn, was Examined by Sir *F. Slade*.

Mr. *B. Sharkey.* 14 March 1860.

2691. WILL you refer to, and read the short-hand writer's notes of the evidence given by Mr. Calcutt before this Committee?—This is the evidence:

"Sir *F. Slade.*] Now you had many agents at this election, had you not?—I believe I had five agents besides the conducting agent.

"Was Mr. R. McNamara one of your agents?—I think he was.

"Did he receive a sum of 25*l.*?—I cannot recollect now without the books; I sent in my accounts to the auditor.

"Here is the auditor's account, perhaps you will refresh your memory?—Yes; I believe I did.

"Mr. *Wordsworth.*] Is this 1857 or 1859?—1859; this last election.

"Sir *F. Slade.*] The object of this, my Lord, is with reference to the recriminating case which we intend to open against this gentleman, on account of his having prayed his seat.

"Mr. *Wordsworth.*] We have abandoned that. Mr. Calcutt does not pray the seat, and therefore, as far as he is concerned, it is quite out of the question. The electors, who prayed the seat, have abandoned that part of the prayer, and what we are proceeding upon now is the void election; nothing else. Therefore, there is no pretence for saying we want the seat. We could not have got the seat, except by scrutiny, which is a very expensive matter.

"Sir *F. Slade.*] It is the general practice that if a gentleman prays the seat, or anybody prays the seat for him, the party against whom the petition is presented is entitled to go into the recriminatory evidence, for the purpose of taking the opinion of the Committee. There is nothing to prevent the gentleman for whom the seat is prayed being able to stand upon his right, which is created by the seat being declared void.

"Mr. *Wordsworth.*] I made no objection to your question.

"Sir *F. Slade.*] If you made no objection why interrupt me?

"Mr. *Wordsworth.*] Because you stated that it was necessary, and that you intended to open that.

"*Chairman.*] You have not objected, I understand, to this question?

"Mr. *Wordsworth.*] Certainly not.

"Sir *F. Slade.*] Read the next name; was that an agent of yours?—I believe he was my conducting agent, Mr. Coffey.

"That is the name above; I want the name below?—Mr. M'Callam. I scarcely know him. I do not think I know him.

"£. 25 was given to him?—£. 20.

"Then the next name?—Mr. Barlow.

"You know him?—I know him.

"He was one of your agents?—Yes.

"What did he receive?—£. 20.

"The next name?—Mr. Coffey.

"What did he receive?—£. 20.

"He was also an agent, I suppose?—I suppose he was.

"What is the following name?—Mr. Richards.

"What did he receive?—His name is down for 20*l.*

"He also was an agent?—I suppose he was. Mr. Coffey was my conducting agent."

That is all that refers to that subject, I think, in the examination in chief. Then he is re-examined by Mr. *Wordsworth.*

"My friend asked you about your agents; had you more than five agents at the last election?—I believe I had no more than those agents; there might be check clerks or others, but I understand there was no more than five agents.

"Of these five, how many did you draft from Dublin?—All.

"All the attorneys in the county, I believe, were employed by Colonel White, with the exception of how many for Colonel Vandeleur?—Colonel Vandeleur had also, I think, Mr. Watt, who lives on his property; and there was another, a Mr. Garrod.

"With the exception of those you have mentioned, all the agents in the county of Clare were in the interest of Colonel White?—They were, and also some from Limerick.

"Your agents were drafted, in consequence, from Dublin?—Yes; and I paid their travelling expenses, as well as their fees.

"Twenty pounds each, which you have spoken of as the remuneration of them, including their travelling expenses and their fees?—Their travelling expenses, and for being away from home.

"You mentioned a man of the name of Coffey?—Mr. David Coffey.

"Is that gentleman sitting here?—Yes.

"He was your conducting agent at the election?—He was my conducting agent at the election.

"Were the other gentlemen whose names you have given, and who were drawn from Dublin, all persons engaged by him by your authority?—Oh, certainly.

"And he was your conducting agent?—Yes."

[The Witness was directed to withdraw.

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Mr. C. B. Malloney.

14 March 1860.

Mr. CHARTRES BREW MALONEY called; and, having been sworn, was Examined by Mr. *Welsby*.

2692. I BELIEVE the train from Dublin to Ennis does not go direct, but that there is a train first to Limerick, and then another from Limerick to Ennis?—Yes.

2693. Can you tell me what is the distance from Dublin to Limerick?—The distance from Dublin to Limerick junction is 107 miles, English, and the distance from the junction to Limerick is 20 miles.

2694. Making altogether 127 miles?—Yes.

2695. What is the first class fare to Limerick?—One pound three shillings and some pence, but I do not recollect the number of pence.

2696. How far is it from Limerick to Ennis?—It is 24 miles, English, and some few furlongs.

2697. What is the first class fare from Limerick to Ennis?—Three shillings and sixpence.

2698. Therefore the whole first class fare from Dublin to Ennis is 1 *l.* 7 *s.*?—Yes.

Cross-examined by Mr. *Wordsworth*.

2699. Then I suppose it would be necessary to incur some expense for cab hire and car hire?—Yes; you will be brought to any part of the city of Dublin from the terminus for 1 *s.*

2700. Would there be any expense in going to other parts, as between Dublin and Ennis; any expense besides the railway fare?—Yes, you can go in an omnibus to Cruce's Hotel for 6 *d.*

2701. How much would that be?—It would cost you a shilling to go down to the hotel and back again.

The *Chairman*.] That is not the question of a shilling or two more, we know somewhere about the cost.

2702. Mr. *Wordsworth*.] After having gone to Ennis, supposing some of these gentlemen should be distributed over the county as agents, in the same way as you were when you were appointed by Mr. Joynt, they would be obliged to incur the expense of going to those different parts in the county after they got to Ennis?—They would.

2703. One would go to Tulla and another to Kilrush?—Yes.

2704. And another to Ennistimon?—Yes.

2705. What you said upon the subject of the railway expenses would vary between Dublin and Ennistimon?—Yes.

2706. The mode of conveyance to Kilrush and Ennistimon is not by railway?—The professional men always go in cars, which are paid for by the candidates.

2707. It is not a question of what they always do, but what the public means of conveyance are; are there railways branching off from Ennis to the five different polling-places in the county of Clare?—There are not.

2708. Not having railway conveyance they would have some other?—There are public conveyances to two of the places.

2709. The day of nomination at the last election for the county of Clare was on Saturday?—I think it was.

2710. The first day of polling was on the following Tuesday?—Yes.

2711. Then, suppose the agent were to go down to the county of Clare from Dublin, the nomination day being on Saturday, would it not in your judgment be necessary for the interests of his client, that he should be down there on Friday?—All that would depend upon whether the gentleman was appointed merely inspector in the booth or not.

2712. It would depend upon the nature of his employment?—Yes.

2713. Supposing him to be a manager in the same way as those in a large district, would it not in your judgment be necessary that he should be down in the country on the Friday, or even on the Thursday, before the nomination?—Certainly.

2714. Then, supposing Tuesday to be the first day of polling, and Wednesday the second day of polling, would it be possible for the convenience and the interests of the clients that the agent should go away from Clare, in order to get back again to Dublin before Thursday evening?—He could not get back before Thursday, of course.

2715. Could he get back as soon as Thursday?—He may, of course.

2716. Take your own position, you having been principal agent at Tulla, and the second day's polling being on Wednesday, would you not have to make up your books on the Thursday?—No.

2717. The *Committee*.] When was the declaration?—On the Friday.

2718. Mr. *Wordsworth*.] You are prepared to say that the agents might go back even before the day of the declaration?—The only books the agents have are the polling books, and they are carried up generally as it is going on.

2719. Are there no accounts of legal expenditure to prepare?—No.

2720. The agent, you say, might go back to Dublin after the second day's poll, and would be justified in returning to Dublin without settling with those persons who might have been legally employed?—Those accounts are never prepared until long after the election.

2721. That might be so with respect to yourself, bing situated in the county; but in the case of a gentleman coming from Dublin, would it not be his duty to see to the payment of the necessary and legal expenses before he went away?—I never heard of its being done; he may, of course, if he wishes to remain, do so.

Re-examined by Mr. *Welsby*.

2722. Have those agents who are sent from Dublin anything to do with stopping at Clare until the accounts are made up?—They never know anything at all about them.

2723. Is their duty limited to the period of the election itself?—Yes, they are principally strangers; they know no one there.

2724. Is their duty limited to the days of the election itself?—The only answer I can give is, that where I have been concerned at elections, people who are brought from Dublin or Limerick go away the day after the polling is over.

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CLARE ELECTION.

MINUTES OF EVIDENCE

TAKEN BEFORE THE

SELECT COMMITTEE

ON THE

CLARE ELECTION PETITION;

WITH THE

PROCEEDINGS OF THE COMMITTEE.

(1860.)

Ordered, by The House of Commons, *to be Printed,*
27 *March* 1860.

[*Price* 8 *d.*]

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MINUTES OF EVIDENCE

TAKEN BEFORE THE

SELECT COMMITTEE

ON THE

CLARE ELECTION PETITION;

WITH THE

PROCEEDINGS OF THE COMMITTEE.

(1860.)

Ordered, by The House of Commons, *to be Printed,*
18 *June* 1860.

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Martis, 9° *die Junii*, 1860.

NAMES of the Members of the Select Committee appointed to try and determine the matter of the Petition, complaining of an undue Election and Return for the County of Clare:

Viscount Emlyn.	John Thomas Norris, Esq.
Earl of Gifford.	John Watlington Perry Watlington, Esq.

JOHN MELLOR, Esq., Chairman.

Mercurii, 6° *die Junii*, 1860.

Ordered, THAT the Petition and List relative to the said Election be referred to the Committee.

Ordered, THAT the Committee do meet To-morrow, in one of the Committee-rooms of the House, at Eleven o'clock.

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REPORT.

CLARE ELECTION COMMITTEE.

Veneris, 8° die Junii, 1860.

THE HOUSE informed, that the Committee had determined,—

That Francis Macnamara Calcutt, Esquire, is duly elected a Knight of the Shire, to serve in this present Parliament for the County of Clare.

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PROCEEDINGS OF THE COMMITTEE.

Jovis, 7° die Junii, 1860.

NAMES of the Members called over;—All present.

The Committee deliberated, and agreed to the following Resolutions:—

1. That Counsel will not be allowed to go into matters not referred to in their opening statemens, without a special application to the Committee for permission to do so.

2. That if costs be demanded by either party, under the 11 & 12 Vict. c. 98, the question must be raised immediately after the decision on that particular case, unless the Committee shall otherwise decide.

3. That the Committee expect that, with respect to cases of bribery, or offers or promises of money or other valuable consideration, which it is intended to bring home to the Sitting Member, or his Agents, the Counsel for the Petitioner will now state the names of the electors bribed, or to whom such offers were so made, and those of the persons who actually gave the bribes, or offered so to do.

4. The Committee, however, reserve to themselves a power, upon the special application of Counsel, to proceed with any case which tends to inculpate any principal or agent, the knowledge of which case has been brought out before the Committee in the progress of the investigation, with the circumstances of which the parties could not be reasonably supposed to have been previously cognizant.

5. That with respect to treating, the Committee will expect Counsel to state the times and places where such treating is alleged to have taken place.

6. That with respect to undue influence, the Committee will require to be furnished with a list of the persons who are alleged to have been subjected to such undue influence, and also with a list of those who are alleged to have exercised it.

7. The Committee, however, reserve to themselves a discretionary power, as in cases of bribery.

8. That no person shall be examined as a witness who shall have been in the room during any of the proceedings, with the exception of the agents, whose names shall be handed in, without the special leave of the Committee.

9. That the Committee will only allow one Counsel to address them on opening the case, and one Counsel on the summing up.

10. That if any point of law should arise requiring argument, the Committee reserve to themselves the power of hearing only one Counsel on each side.

11. That if the leading Counsel are not prepared to sum up the case on either side when the evidence is terminated, the Committee will not protract the proceedings for the convenience of Counsel who may be absent.

12. That with respect to objected votes, the Committee expect Counsel to exhaust one class of objections before proceeding to another.

Parties informed of the above resolutions.

The petition of *Charles White*, a candidate at the last election, complaining of the undue Election and Return for the county of Clare, of Francis Macnamara Calcutt, Esq., and praying the seat for himself, was read.

Counsel for the Petitioner:—Sir *F. Slade*, Q. C., Mr. *Phinn*, Q. C., and Mr. *Welsby*.

Agents:—Messrs. *Holmes & Co.*

Counsel for the Sitting Member:—Mr. *John Clerk* and Mr. *Karslake*.

Agent:—Mr. *T. Baker*.

Mr. *Clerk* took a preliminary objection to the jurisdiction of the Committee, on the ground that the question which the Committee were called upon to decide, was already *res judicata* by a Resolution of the first Clare County Election Committee, where the seat had been claimed.

The

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The Chairman stated that the Committee were of opinion that the case of the Petitioner should be opened, before they could be in a position to decide the point raised by Mr. *Clerk*.

Sir *F. Slade*, opened the case, on the part of the Petitioner.

The short-hand writer was sworn by the Chairman.

James Richard Naylor, sworn; examined by Mr. *Welsby*.

Produced Writ and Return, relative to the last Election for the County of Clare.

Ralph Cusack, sworn; examined by Mr. *Welsby*.

Produced and put in the poll books, relative to the two last Elections of the County of Clare.

Stephen O'Halloran, sworn; examined by Mr *Welsby*; cross-examined by Mr. *Clerk*.

Peter Burroughs Sharkey, sworn; examined by Mr. *Welsby*; cross-examined by Mr. *Clerk*.

Augustus Palk, sworn; examined by Mr. *Welsby*.

William Treadwell, sworn; examined by Mr. *Welsby*.

An account of the Expenses incurred by Mr. *Calcutt* at the Election for the County of Clare, held in 1859, was after argument, admitted in Evidence, and read.

William Smith, sworn; examined by Mr. *Welsby*; cross-examined by Mr. *Clerk*.

Henry Green, sworn; examined by Mr. *Welsby*; cross-examined by Mr. *Clerk*; re-examined by Mr. *Welsby*.

Mr. *Clerk* addressed the Committee, contending that the question raised by the Petition had already been decided by a competent tribunal.

David Coffey, sworn; examined by Mr. *Karslake*.

[Adjourned till To-morrow at Eleven o'clock.

Veneris, 8° die Junii, 1860.

NAMES of the Members called over:—All present.

David Coffey, cross-examined by Mr. *Phinn*; re-examined by Mr. *Karslake*.

Mr. *Phinn* proposed to recall Henry Green, on the ground that his attention had not been sufficiently drawn by Counsel on the other side to the promise which he was alleged to have made to return the excess of the money paid to him beyond the legal expenses.

Mr. *Clerk* was heard against the application.

Mr. *Phinn* was heard in reply.

Room cleared. The Committee deliberated.

Resolved, "That the witness, Henry Green, be not recalled."

Parties called in, and informed of the Resolution of the Committee.

Mr. *Karslake* summed up the Evidence on behalf of the Sitting Member.

Mr. *Phinn* replied on the whole case.

Room cleared. The Committed deliberated.

Resolved, "That Francis Macnamara Calcutt, Esq., is duly elected a Knight of the Shire, to serve in this present Parliament for the County of Clare."

Parties called in and informed of the Resolution of the Committee.

Mr. *Clerk* applied for costs under the 11 & 12 Vict. c. 98, s. 89, on the ground that the petition was frivolous and vexatious.

The Committee refused the application.

Ordered, To Report the last Resolution to The House.

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LIST OF WITNESSES.

Jovis, 7° die Junii, 1860.

James Richard Naylor, Esq. - - - - - - - p. 1
Ralph Cusack, Esq. - - - - - - - - - p. 1
Stephen O'Halloran, Esq. - - - - - - - - p. 1
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Veneris, 8° die Junii, 1860.

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MINUTES OF EVIDENCE.

Jovis, 7° die Junii, 1860.

JOHN MELLOR, Esq., in the Chair.

Counsel for the Sitting Member:—Mr. *John Clerk* and Mr. *Karslake*.

Agent:—Mr. *T. Baker*.

Counsel for the Petitioner:—Sir *Frederick Slade*, Mr. *Phinn*, and Mr. *Welsby*.

Agents:—Messrs. *Holmes & Co.*

The Petition of *Charles White*, complaining of an undue Return for the County of Clare, was read.

Sir *Frederick Slade* was heard to open the case on the part of the petitioner; after which he called the following witnesses:—

James Richard Naylor, Esq., sworn; Examined by Mr. *Welsby*.

J. R. Naylor, Esq.

7 June 1860.

1. Do you produce from your custody the writ and return of the last election for the county of Clare?—I do.

2. Give us the date of the return and the writ?—The writ is dated the 21st of March last, and the return is dated the 13th of April last.

3. Who appears to have been returned?—Francis M'Namara Calcutt.

4. Give us the state of the poll?—Francis M'Namara Calcutt, 2,933; Captain Charles White, 1,149. "I certify that the above is a correct list of the candidates proposed to represent the county of Clare at this election, and the number of votes given for each, as appeared at the final close of the poll. Wainwright Crow, Esq. County of Clare, 13th April 1860."

Ralph Cusack, Esq., sworn; Examined by Mr. *Welsby*.

R. Cusack, Esq.

5. You are a clerk of the Hanaper at the office in Dublin?—Yes.

6. Do you produce the poll books of the last two elections for the county of Clare?—Yes, the one in 1859 and the other in 1860.

7. Were they delivered to you by the sheriff?—They were.

8. And you have kept them ever since?—I have.

Stephen O'Halloran, Esq., sworn; Examined by Mr. *Welsby*.

S. O'Halloran, Esq.

9. You were the election auditor appointed for the county of Clare in the year 1859?—I was.

10. And also at the last election?—No.

11. Have you here the account of payments, returned to you by Mr. Calcutt?—I have.

12. Will you produce it?—Yes.

13. Is that it (*handing a paper to the Witness*)?—Yes.

14. Just read the heading of the second?—It is headed, "County of Clare Election, 1859. Account of expenses incurred by Francis M'Namara Calcutt, esq., at above election."

Mr. *Welsby*. There are a number of items of miscellaneous expenses incurred previous to the election, and then comes the part upon which the objection is founded.

15. Will you look at this paper (*handing another paper to the Witness*). You will see there, "Inspectors, Professional"?—

16. Mr. *Clerk*.] What is that you are reading?—A paper put into my hands by Mr. Welsby.

17. Read from what Mr. Calcutt returned to you, or from the account you published yourself?—They have have not been all wound up.

18. Then read from the account which Mr. Calcutt returned to you?—

19. Mr. *Welsby*.] Which is the original account that you got from Mr. Calcutt or his agent. We got this account from Mr. Calcutt's agent, because we had that from you?—I do not think you ever got this from me.

20. Have you not the account proved on the last occasion. Do you mean to say that this is the

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S. O'Halloran, Esq.

7 June 1860.

the only account you got from Mr. Calcutt or his agent?—It is the only account I have. I left my papers with the Committee clerk.

21. Did you not get them back from the clerk of the Committee?—I have another account that I got from Mr. Calcutt (*handing in a paper to the learned Counsel*).

22. Mr. *Welsby* (*after looking at the paper*).] That is not it. Do you mean to say that you have nothing here at present but this?—No, except vouchers.

23. You have no account rendered except this?—No, I have no other in my possession.

24. Just look at it again?—I have no recollection of having this account in my possession. If I had it in my hands last April, I presume it would have been marked by the clerk of the Committee.

25. Mr. *Welsby*.] Have you never seen that paper before?—(*After looking at the paper*.) Yes, I think I handed in this now. I have gone through it.

26. Is not that the original account?—It is the account which was sent to me by Mr. Coffey.

27. Who was Calcutt's agent?—Yes.

28. When was this written that you handed in before?—That was another account that I got from Mr. Coffey; it appears to be a copy of that part of it. There are items that I must have paid.

29. When was it written?—I cannot tell.

30. Is it your handwriting?—That is a copy I made.

31. When was this written, and by whom?—Some time back; last January.

32. By whom?—By a clerk of mine.

Cross-examined by Mr. *Clerk*.

33. Can you say whether this was a document sent to you by Mr. Calcutt, or any gentleman on behalf of Mr. Calcutt?—Yes.

34. It came by itself?—It came from Mr. Calcutt to me.

35. How did it come?—In a letter.

36. Have you got that letter?—No.

37. *Committee*.] Do you know Coffey's handwriting?—I have got letters from him.

38. Just attend to my question: have you formed an opinion as to his handwriting?—Oh, yes, I know it.

39. Did that come in a letter which you recognised as the handwriting of Mr. Coffey?—Oh, certainly; it came to me from Mr. Coffey.

40. Mr. *Clerk*.] Have you got the letter in which this was enclosed?—I do not remember that I have.

41. *Committee*.] I understand that you got that from the committee clerk this morning. Who produced it?—(Mr. *Sharkey*.) I did.

42. *Committee*.] Where did you get it from?—(Mr. *Sharkey*.) It was with the papers at the last Clare election, which was before the Committee in April last.

43. Who did you get it from yourself?—I cannot answer. My impression is that it was handed to me by the Committee clerk; till I heard Mr. O'Halloran state it this moment, I thought it was a copy furnished; it bears no signature, or anything to authenticate it.

44. Mr. *Clerk*.] Whose handwriting is that in pencil, "True copy"?—(*The Witness*.) I do not know.

45. Do you know the handwriting of Mr. Coffey?—No.

46. Whose handwriting is the pencil; is it yours?—No.

47. Do you know how that came there?—No.

48. What is there about that document to enable you to say that you received it from Mr. Calcutt?—I have read over those items, and I remember having seen them before.

49. What is there in those sheets of paper that you have in your hand, which enables you to say that those are the sheets of paper that you received from Mr. Calcutt?—Nothing more than reading over those items; I identify them as having been before me on a former occasion.

50. For all you know, it may be a copy of some paper that you have read before. You do not know the handwriting; there is no signature to it?—There is no signature.

51. *Committee*.] How do you know it is the same paper that you produced to the last Committee?—I cannot speak positively to its being the same paper. I identify items in an account that I have had before me.

52. *Committee*.] Have you no recollection of receiving that document in a letter from Mr. Calcutt?—A similar document: I cannot swear that this is the identical document.

53. Were you called as a witness on the last Committee?—Yes.

54. Did you produce the account sent in to you as election auditor?—I did.

55. Did you get it back?—No; I produced a number of accounts; I did not get them back; I wrote for them, and I was told that the clerk of the Committee had them.

56. Was the document you produced on the former occasion signed by any one?—No, I think it was not.

57. *Committee*.] Have you looked amongst your papers for all the accounts?—I brought all I had.

58. You have looked to see?—Yes.

59. You did not find amongst your papers such an account as that?—No.

60. Are you sure you had such an account previous to the last inquiry?—Yes, I had.

61. Does your memory enable you to say whether that, upon looking at it, corresponds in point of items with the paper which you had in your possession, and which you handed in on the last occasion?—Yes, it is, because it does correspond in point of items; that is how I identify it.

62. Do you mean by your memory?—Yes; I have a recollection of these items being furnished to me, we now see inserted here. My belief with regard to this account is, as I have mentioned, that it was handed to me on a former occasion last March.

63. Look at those pencil marks?—I do not know anything of them; they were not upon it when it was in my possession.

64. Mr. *Welsby*.] You got that account in a letter from Mr. Coffey?—Yes.

65. Did you bring that account to the Committee on the former occasion?—Yes.

66. Did you hand it in?—I did.

67. Did you hand in more than one account, or only one?—Only one.

68. That you left behind you, when you left the Committee?—Yes; it remained here with some of the papers.

69. Mr.

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69. Mr. *Clerk.*] Were any copies made of that account?—No.

70. In Ireland or elsewhere?—I sent a copy of that account to Mr. Joynt.

71. Whose agent was Mr. Joynt?—He was agent for Colonel Luke White.

72. I suppose, as far as you can recollect, the items of that account were the same as this?—

Mr. *Welsby* objected to the question.

Mr. *Clerk* withdrew the question.

73. Mr. *Clerk.*] You sent him a copy?—I did.

74. Do you mean to say that you recollect every individual item on that account?—Certainly I do not. *S. O'Halloran, Esq.*

75. Will you tell the Committee that every item that is in that account before you, or that no more than the items that are in the account before you, were in the account that was delivered to you by Mr. Calcutt?—I rather think all the items were the same. 7 June 1860.

76. Will you undertake to say that the items were all the same?—I cannot undertake to say so from recollection.

PETER BURROUGHS SHARKEY, Esq., sworn; Examined by Mr. *Welsby.*

77. I BELIEVE you attended the former Committee as one of the agents for the then sitting Member?—I did. *P. B. Sharkey, Esq.*

78. Do you remember that account being produced by the witness in the chair?—Yes, I recollect this account being produced.

79. I believe it came into your possession at the close of the inquiry?—At the close of the inquiry I got it.

80. Was that under the circumstance you before stated; finding it not signed you supposed it to be a copy, and it remained in your custody?—Yes.

81. Has it remained in your custody ever since, unaltered?—It is.

Cross-examined by Mr. *Clerk.*

82. Did I not hear you state, not 10 minutes ago, that he had furnished a copy to you which contained certain items?—I do not think you did.

83. A copy of the account was furnished to you, or your agent who was acting with you?—A copy of the account was furnished by the agent to me, which I have here.

84. That was a copy made out by your agent?—By my agent, and sent to me.

85. Were you not aware that a copy had been made out by him, and sent to Mr. Joynt?—I heard him state so now.

86. Did you not know it before?—No.

87. All you know is, that you had that copy at the close of the last proceeding. You found that copy upon the table?—I think at the close of the proceedings there were the accounts which are given in evidence on the part of the sitting Member. I went to the Committee clerk and got some from him, and this account I believe I got from the Committee clerk.

88. Where from?—From this room.

89. You took it from the Committee clerk?—Yes.

90. Be that as it may, were you examined as a witness, Mr. Sharkey, upon the last occasion?—Yes; I was asked to read some evidence.

91. You were called by Sir Frederick Slade?—Yes.

92. Had you at that time, when you were so examined, a copy of that document in your possession. A copy of Mr. Calcutt's expenses?—I rather think not; I cannot be certain; I believe this copy came into my possession at the close of the inquiry.

93. Had it not been given in evidence by Mr. O'Halloran the day before?—It had, but unfortunately it was not upon the notes.

94. It had been put in evidence several days before?—I think the very first day of the inquiry.

95. You were called as a witness by Sir Frederick Slade, for the purpose of disqualifying Mr. Calcutt from standing again?—You will find it stated in the Minutes of Evidence, as well as I recollect, I was called to read the evidence that was given in a previous part of the inquiry.

96. You were asked a good deal more?—I think not.

97. *Committee.*] We should like to have some account given of the pencil marks upon it.?—(The *Witness.*) None of the writing is mine. I believe it to be the writing of clerks in the office.

98. In your office?—Yes, I cannot swear with certainty to that.

AUGUSTUS PALK, Esq., sworn; Examined by Mr. *Welsby.*

99. YOU were acting as the clerk of the former Committee, which sat upon the trial of the Clare election?—Yes, I was. *A. Palk, Esq.*

100. A document has been produced to day which is supposed to have come from your custody, having been delivered to you at the time of the trial, and to have been in your possession, and handed by you, or by some mistake, to the agent of the present petitioner?—I should say if this document had been produced before the last Committee, that my initials would have appeared at the back.

101. Did you find your initials on all the other papers. Just give me all the papers that were produced?—The documents that are made use of and were read, are marked by me.

102. *Committee.*] What are those other papers?—Those are documents that were handed in, but were not made use of.

103. You would have put your initials to any of the documents that were actually read?—Just so.

104. Not if they were handed in, and not read?—That is so.

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WILLIAM TREADWELL, Esq., sworn; Examined by Mr. *Welsby*.

W. Treadwell, Esq.

7 June 1860.

105. I BELIEVE you are the shorthand writer who attended the Committee on the former inquiry?—I was.

106. Do you recollect Mr. Calcutt being examined?—I do.

107. Did you take a note of his examination?—I took a note of the whole of the Committee.

108. *Committee.*] You were the sworn shorthand writer for the Committee?—I was.

109. Mr. *Welsby.*] Will you read the cross-examination, beginning at this cross, in page 2?—(The *Witness.*) "*Q.* Sir *F. Slade.*] Now, you had many agents at this election, had you not?—*A.* I believe I had five agents besides the conducting agent. Was Mr. R. Macnamara one of your agents?—I think he was. Did he receive a sum of 25*l.*?—I cannot recollect now without the books; I sent in my accounts to the auditor. There is the auditor's account; perhaps you will refresh your memory?—Yes; I believe I did. Mr. *Wordsworth.*] Is this 1857 or 1859?—1859; this last election. Sir *F. Slade.*] The object of this, my Lord, is with reference to the recriminative case which we intend to open against this gentleman on account of his having prayed his seat. Mr. *Wordsworth.*] We have abandoned that; Mr. Calcutt does not pray the seat, and therefore, as far as he is concerned, it is quite out of the question. The electors who prayed the seat have abandoned that part of the prayer, and what we are proceeding upon now is the void election, nothing else. Therefore there is no pretence for saying we want the seat; we could not have got the seat except by scrutiny, which is a very expensive matter. Sir *F. Slade.*] It is the general practice, that if a gentleman prays the seat, or anybody prays the seat for him, the party against whom the petition is presented is entitled to go into the recriminatory evidence, for the purpose of taking the opinion of the Committee. There is nothing to prevent the gentleman for whom the seat is prayed being able to stand upon his right, which is created by the seat being declared void. Mr. *Wordsworth.*] I made no objection to your question. Sir *F. Slade.*] If you made no objection why interrupt me? Mr. *Wordsworth.*] Because you stated it was necessary, and that you intended to open that. *Chairman.*] You have not objected, I understand, to this question. Mr. *Wordsworth.*] Certainly not. Sir *F. Slade.*] Read the next name; was that an agent of yours?—I believe he was my conducting agent, Mr. Coffey. That is the name above; I want the name below?—Mr. M'Cullam; I scarcely know him. I do not think I know him. £.25 was given to him?—£.20. Then the next name?—Mr. Barlow. You know him?—I know him. He was one of your agents?—Yes. What did he receive?—£.20. The next name?—Mr. Coffey. What did he receive?—£.20. He was also an agent, I suppose?—I suppose he was. What is the following name?—Mr. Richards. What did he receive?—His name is down for 20*l.* He also was an agent?—I suppose he was; Mr. Coffey was my conducting agent."

110. Mr. *Welsby.*] The whole of the evidence will be put in; but now read the re-examination.

111. Mr. *Clerk.*] First read Question 221, in page 6?—

Mr. *Welsby* objected to the witness reading O'Halloran's evidence, he being present in the room, capable of being cross-examined.

Mr. *Clerk* stated, his only object was to show that the accounts had been produced as a matter of fact.

The *Chairman* said that that was already shown by the evidence that had been read.

112. Mr. *Welsby.*] Now read Question 226?—(*The Witness.*) "*Q.* All you know is, that these payments have been returned to you by Mr. Coffey, as having been made on Mr. Calcutt's account?—*A.* Yes. How much of the whole of that account have you paid?—Perhaps about 200*l.* Out of 500*l.* odd?—Yes. All that appears in this account rendered to you by Mr. Coffey was paid by him?—No, not all; I paid a good deal of that myself; I paid nearly all the inspectors. Miscellaneous expenses previous to the election were not paid by you?—No. Or the inspectors? I paid some; I paid none of the professionals. Or non-professionals?—No. Who paid the check clerks?—I did. The out-agents and tally clerks?—Yes; I paid them, or a great many of them; I do not say that I paid all that are down here. The rent of the tally rooms?—I paid Mr. Pearson 8*l.* Mr. Coffey paid the rest, did he?—I paid cab hire to Calligan. The result of your statement is, that out of this you paid somewhere about 200*l.*?—Yes. Have you had any further payments made in respect of Mr. Calcutt's expenses since you made the last payment?—No; I have no further account sent in to me since. No further claim made by any parties?—Not since I paid the last. (Re-examined, by Mr. *Wordsworth.*) When did you make the last payment?—I should think about three weeks ago. Look at this account, which you have produced; I think you find all the names given of gentlemen returned as agents?—Yes; I see seven returned. The total amount is between 400*l.* and 500*l.*?—Yes. Of that you paid 200*l.*?—Yes. Tell me how much these professional charges would amount to which you did not pay?—About 20*l.* So that there would remain about 90*l.* of small sums which you did not disburse?—Which I did not disburse; then there are 50*l.* to the sheriff I did not pay."

Mr. *Welsby.*] Perhaps now, sir, it would be better that this paper should be handed in.

Mr. *Clerk* objected to the reception of the paper headed "Calcutt's Expenses."

Mr. *Welsby* was heard against the objection.

Mr. *Clerk* was heard in reply.

The *Chairman* stated that the Committee were of opinion that the document was admissible.

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7 June 1860.

COUNTY OF CLARE ELECTION, 1859.

Account of Expenses incurred by *Francis M'Namara Calcutt*, Esq., at above Election.

Miscellaneous Expenses incurred previous to Election:

	£.	s.	d.
Paid Railway fare	3	–	–
8 Registry lists at 5s.	2	–	–
Car hire to Kilrush and back	–	5	–
Billposter	–	2	6
Car hire to Six Mile Bridge and back	–	5	–
Parcel	–	1	8
Car hire to Six Mile Bridge and back	–	7	6
Billposters	–	5	–
Scrivenery	–	10	–
Carriage of parcel with placards	–	6	6
Billposters	–	2	6
Stationery	–	5	–
Mr. Dollard's account for stationery	6	–	–
Newspapers	–	8	4
Mr. Linehan's account for newspapers and printing	5	–	–
Special printing and registry lists	1	10	–
	£. 17	5	10

Inspectors (Professional):

Mr. David Coffey, conducting agent	92	6	1
Mr. Richard M'Namara	25	–	–
Mr. Barry Collins	20	–	–
Mr. F. A. Barlow	20	–	–
Mr. J. F. Coffey	20	–	–
Mr. Wm. Thos. Rodgers	20	–	–
Mr. Richard Scott	20	–	–

Inspectors (Non-professional):

Timothy Murphy, Upper Tulla	6	–	–
Cornelius Sullivan, Lower Tulla	6	–	–
Patrick Furlong, ditto, ditto	6	–	–
Morgan Finucan, ditto, ditto	6	–	–
Thomas Magnire, Inchiquin	6	–	–
John Hilliard, Corcomroe	8	–	–
Edward Mulcahy, Low Bantratty	6	–	–
Thomas Kelly, Clonderalan	5	–	–
Patrick O'Connor, ditto	6	–	–
Edward John Kenneally, Moyata	5	–	–
John Moroney, Iluickan	5	–	–
Daniel Tudly, Islands	6	–	–

Check Clerks:

James O'Shaughnessey, Ennis	1	7	8
Michael Cunningham, ditto	1	7	8
John Armstrong, ditto	1	7	6
Michael Considine, Ennistymon	1	7	8
Patrick Jordan, ditto	1	7	8
James Callatur, ditto	1	7	6
William Cotter, Tulla	1	7	8

Check Clerks—*continued.*

	£.	s.	d.
Thomas Power, Tulla	1	7	8
Michael Power, ditto	1	7	8
—— Malloney, ditto	1	7	6
Thomas Catrill, Six Mile Bridge	1	7	6
James Moloney, ditto - ditto	1	7	8
Martin Fleming, ditto - ditto	1	7	8
Stephen Mangan, Kilrush	1	7	8
Thomas Cusack, ditto	1	7	8
Thomas Collins, ditto	1	7	8
Fifth Check Clerk, ditto	1	7	8

Tally Clerks and Messengers:

John Kenneally, Kilrush	–	15	–
James O'Brien, ditto	–	15	–
John Kearney	1	–	–
William Shoebottom	–	15	–
Patrick Whelan	–	15	–
Richard Kearney	–	15	–
John Hontigan	–	15	–
Michael M'Feque	–	15	–
Stephen Clanchy	–	15	–
John Glynn	–	15	–
John Whelan	–	15	–
Michael Considine	1	–	–
Daniel Tushy	–	15	–

Ont Agents:

James Reidy	3	–	–
David Power	5	–	–
—— Brassell	2	–	–
James Hekir	2	–	–
Thomas Hanlon	3	–	–
John M'Merney	3	–	–
Denis O'Longhlin	3	–	–
James Glynn	3	10	–
Thomas Collins	1	10	–
Matthew Carey	1	10	–
Patrick Darcy	1	10	–
Gamble Ivers	1	10	–
Daniel Gorman	1	10	–
James Carmony	1	10	–
Thomas Liddane	1	10	–

Rent:

Tally-rooms at Ennis (Mr. Pearson)	25	–	–
Ditto, Kilrush, three houses, at 3*l.* per	9	–	–
Ditto, Tulla, Mr. Pepper	20	–	–
Ditto, Six Mile Bridge, Miss Littleton	10	–	–

Cars:

Two cars from Simon Calligan, Kilrush district	10	–	–
Two cars for Thomas Regan, Ennistymon, one each per day, from 8th May to 11th May	6	–	–
James Riley, car hire	7	–	–
Michael Curtin, for car hire	7	–	–
John Guthrie, Ballyorangha, Ennistymon district, one car two days	1	–	–
Fatry, Kinavora, Ennistymon district, 3 cars, 2 days, at 1*l.*	6	–	–
Paid sheriff	50	–	–
Paid auditor, nomination fee	10	–	–
Ditto commission.			

The newspapers and printing accounts, being disputed, are not included in this account.

Mr. WILLIAM SMITH, sworn; Examined by Mr. *Welsby.*

Mr. *W. Smith.*

113. I BELIEVE you are a Solicitor in Dublin?—Yes.

114. The train from Dublin to Ennis goes first to Limerick, and then another from Limerick to Ennis?—Yes, a different line.

115. Can you tell me how far it is from Dublin to Limerick, and what is the fare by the first class?—I am not quite positive, but I think the first class is 1*l.* 3*s.* 8*d.*, or 1*l.* 4*s.* 8*d.*

116. What is the first class from Limerick to Ennis?—Three shillings and sixpence.

117. So that the whole first-class fare, from Dublin

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Mr. *W. Smith.*

7 June 1860.

Dublin to Ennis, is either 1*l.* 7*s.* or 1*l.* 8*d.*?—That is my recollection.

Cross-examined by Mr. *Clerk.*

118. When do the trains go?—Which?

119. First, to the Limerick Junction?—There is one that leaves Dublin at 9 o'clock in the morning, and that goes through to Limerick, and you are at Limerick at 10 minutes to 10. There is a train at nine o'clock.

120. When is there another?—At one.

121. Any more?—Another, I think, at four o'clock.

122. You are a solicitor?—Yes.

123. When a solicitor goes to attend a business in the country what is his remuneration?—If I were going I should charge three guineas a day.

124. Besides your travelling expenses?—Yes.

125. You would be allowed that in taxing costs, in Ireland, as a solicitor?—I believe so; that is my experience.

126. Were you an agent for Mr. Charles White at the election of 1859?—Yes.

127. You are a Dublin solicitor?—I am a country person, but I practise in Dublin.

128. Do you reside in the county Clare?—Yes.

129. What did you receive yourself?—I was not paid at all.

130. You have not been paid yet?—No.

131. You are not going to be paid?—I will not answer that.

132. *Committee.*] It is to come?—I hope so.

133. Mr. *Clerk.*] Were you one of the agents engaged on the last election petition?—Yes.

134. Have you been paid for that?—Not yet.

135. Have you made a charge?—No.

136. Have you ever been employed at an election before this?—I was.

137. When was that?—I think it was in 1857.

138. Where were you employed then as an agent?—At Ennistymon.

139. That is one district of the County Clare?—Yes.

140. What were you paid that time?—£.20.

141. How many other agents besides yourself?—I do not know.

142. Are there not five polling districts in the County Clare?—I could not tell exactly; I believe so.

143. Was there not an agent at each of those places?—I believe so.

144. Did you all get 25*l.*?—I cannot tell you.

145. Was there a head agent besides in 1857?—I suppose there was; I don't know who was the actual conducting agent.

146. Who was agent for election expenses in 1859 for Colonel Luke White?—I do not know.

147. Who was the candidate in 1853 for whom you were agent?—Mr. Francis Cunningham.

148. Who was his agent for election expenses? I do not know; it was Mr. McKeane paid me.

149. Do you know how many agents under the Act for election expenses there were?—I do not.

150. You were at Ennistymon in 1859?—Yes.

151. Who was the agent for Calcutt at Ennistymon?—What particular booth?

152. Who was the agent?—There were several.

153. Who was the Inspector of the different booths; who was the agent?—I don't know, I do not know that there was any one in particular.

Mr. Henry Green, sworn; Examined by Mr. *Welsby.*

Mr. *H. Green.*

154. I believe you were at the time of the election of the County Clare, the sub-sheriff of the county?—Yes.

155. We hear that the county is divided into five districts?—It is.

156. How many polling booths were there?—Seventeen altogether.

157. Of those 17, I believe some of them were erected at the requisition of one of the candidates?—Yes; 13 I was obliged to have, and there were four afterwards upon the requisition of Colonel Luke White.

158. Were they charged to and paid by Colonel Luke White?—They were.

159. Do you remember who were the conducting agents for the then respective candidates?—I do, Mr. McCullam was conducting agent for Colonel Vandeleur, and Mr. Matthew Keuny was conducting agent for Colonel Luke White, and Mr. Coffey was conducting agent for Mr. Calcutt.

160. Do you remember having a meeting with those three gentlemen just before the nomination, for the purpose of discussing the arrangement to be made for the polling?—Yes.

161. Was any agreement come to on that occasion as to the amount to be paid by each of the sheriffs?—There was.

162. What was it, that they agreed to pay?—One hundred and twenty pounds each.

163. *Committee.*] English or Irish currency?—English currency.

164. Mr. *Welsby.*] Were you paid that amount on the day after the election by Mr. Calcutt?—I got a cheque for that amount.

165. Did you get the money upon it?—I did.

166. Mr. *Clerk.*] Where is the cheque?

Mr. *Welsby.*] You have it, and you have had notice to produce it. It would be returned to you.

167. Mr. Joynt declined to pay on the part of Colonel L. White?—Well, he did. He did not pay it.

168. He demanded that an account should be rendered?—He did.

169. Did you accordingly render an account?—I sent him two accounts.

170. That is the account, is it not (*handing Paper to Witness*)?—That is not the account.

171. According to the account made out by you of the various expenses; do you remember what was the legal amount that each candidate had to pay?—I sent two accounts to Mr. Joynt, as well as I can recollect.

172. Do you remember the account you so made out, and the moneys you had to pay; what was the legal charges for each; was it not 75*l.* 18*s.* 4*d.*; the polling booths, the deputy sheriff, the polling clerk, the district polling books, stationery, &c.?—I think so.

173. Was that independent of the four additional booths?—I cannot charge my memory.

174. Will it include the assessor's fee?—Yes, it does.

175. £.67. 3. 1. is the assessor's fee?—Yes.

176. £.75.

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176. £. 75. 18. 4. ?—The charge for the polling booths was 50 *l.*

177. Mr. Joynt paid the 75 *l.* 18 *s.* 4 *d.*, and the 50 *l.*?—He did.

Cross-examined by Mr. *Clerk.*

178. Have you been under sheriff at other elections besides this?—Yes, I was under sheriff in the year 1853, sub-sheriff.

179. I believe by the Act of Parliament that is now in force, the 13 & 14 Vict. c. 68, the different candidates are required to make an arrangement with the sheriff, with regard to the expense of booths?—They do so; they are agents rather; that is the custom.

180. Until after the election are you able to know what the whole cost of the erection of the booths will be; what the expense of the election will be?—I am, if there are no additional booths required.

181. Are you sub-sheriff at the present time?—Yes.

182. You were at the last election for 1859?—Yes.

183. Has Mr. Calcutt demanded a return of the balance for the 75 *l.*?—No, not from me.

184. Did he pay anything on account of the expenses of the last election?—No.

185. Did he not claim credit for the amount of excess of expenditure he had paid on your demand at the previous election?—Certainly not; not to me.

186. As yet he has paid nothing for the election?—Not for the last election.

187. When the different agents called upon you, did you require that a certain sum of money should be paid by them before his election?—I told them what the legal expenses were.

188. One hundred and twenty pounds?—No.

189. What did you tell them?—I told them a bulk sum, I forget what it was.

190. You said that there was an agreement that each should pay 120 *l.*; when was that?—Either the evening before his election, or the evening before that; I cannot charge my memory with it.

191. You being sub-sheriff, told them they must pay 120 *l.*?—They met at my house, and they asked what the amount of the expenses was, and I told them.

192. What?—I told them a gross sum.

193. How much?—I forget; I cannot say; somewhere about 270 *l.*

194. You said each was to pay 120 *l.*, and it was settled on the evening before, or the next but one before the election?—Yes.

195. How came that sum of 120 *l.* to be fixed?—Because it had been the custom to get something in addition at elections at that time.

196. Do you mean to say, Mr. Green, that you told Mr. Calcutt that he was to give you any gratuity for being elected?—I did not inquire anything of that kind.

197. When you demanded the sum of 120 *l.*?—I did not demand that.

198. You said that each of the three were to pay 120 *l.*; did they agree to pay it?——

199. *Committee.*] As I understand you, you told them a gross sum, which was to be divided between the three, and that would be less than 120 *l.*?—That was it.

200. Mr. *Clerk.*] What was the gross sum?—Somewhere about 280 *l.*

201. Did that include the four booths?—No, the four booths were not applied for until after that. Mr. *H. Green.*

202. Was any complement or gratuity offered to you in order to return Mr. Calcutt?—No. 7 June 1860.

203. When there was a discussion among the three agents of the three different candidates before you, as to what the expenses of the election would be, did you not inform Mr. Coffey that it would be as much as 120 *l.*?—I did not.

204. Who was the agent then for Colonel White?—Mr. Matthew Kenny.

205. Was Mr. Matthew M'Cullam, the agent for Colonel Vandeleur, there?—Yes.

206. They were all there?—Yes.

207. Mr. M'Cullam said at that meeting, that it was better to pay a bulk sum than to go into detail?—I don't remember that.

208. Was it Mr. M'Cullam that proposed to give 120 *l.* in the presence of the other agents?—Yes.

209. The next day you received a cheque from Mr. Calcutt for 150 *l.*?—Not until after the election was over.

210. Who gave you the cheque?—As well as I can recollect, it was Mr. Calcutt himself. I cannot charge my memory positively, but, so far as I can recollect, he gave it to me.

211. Now do you recollect Mr. Coffey being present on the part of Mr. Calcutt?—He was.

212. Did he tell you that he was anxious to ascertain what the expense would be?—I don't think he did; I do not recollect. I was asked what the expenses would be, and I told what the bulk of the expenses was. I had them put down on a bit of paper.

213. Did you say to Mr. Coffey that you did not like the guarantee, and did not Mr. Coffey ask you how much you wanted; and did you not tell him 120 *l.*?—Certainly not.

214. Did not Mr. Coffey undertake to pay you whatever sum of money would be due to Mr. Calcutt?—No, he agreed to pay that sum that Mr. M'Callum proposed should be given. He and Mr. Kenny, on behalf of Colonel Luke White, agreed to pay it.

215. Was there one word said to Mr. Calcutt, or any one else, that any part of that sum was to be given as a gratuity or complement to the sheriff?—No.

216. Was there not an undertaking, either by you or the sheriff, that Mr. Calcutt should be refunded the excess, if any, of the expenses he had paid?—Not that I know of; I do not think there was.

217. Were you the sub-sheriff at the last election, 1860?—Yes.

218. Perhaps you can tell me as to this fact, which was opened by Sir Frederick Slade, that the payment made by Mr. Calcutt at the election of 1859, influenced the conduct at the last election; is that true?—I do not understand you.

219. I should think not. It was opened by Sir Frederick Slade, that the under sheriff or sub-sheriff acted with partiality at the last election, in consequence of the payment that was made on the previous election?—I never acted with impartiality; I mean with partiality; at any election, as far as I was concerned.

220. Is there a word of truth in the statement made by the petition?—

The *Chairman* intimated to the learned counsel that it was not necessary to call evidence

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Mr. *H. Green.*

7 June 1860.

evidence to contradict the statements in the learned counsel's opening speech, as the Committee would take the facts from the witnesses.

221. Mr. *Clerk.*] Did you make any demand for the expenses of Mr. Calcutt for the booths at the last election?—I did.

222. What answer did he give you?—It was not to me, it was to his conducting agent.

223. Who was that?—Mr. O'Donnell.

224. What answer did he give?—He asked me not to press him; I was away from home, preparing for the election; Mr. O'Donnell called at my house to see me about it, as he had to go to London; he gave me his undertaking for the legal expenses.

225. In those terms?—Yes; as he could not stop, he said he would hold himself personally liable for the legal expenses.

226. Have you furnished him with any account of the legal expenses?—I have.

227. What amount did you charge him?—There were two candidates, who were to pay, as near as I can remember, 119 *l.* odd shillings each.

228. That is what you demanded?—Yes.

229. That has not been paid?—A portion has been paid by Captain Luke White. Mr. Calcutt has paid nothing.

230. Has he given you any reason why he would not pay?—No.

231. Has his agent?—He wrote to me; when I applied to him, not to press him about it, and he would see that it was paid.

232. As his agent, did he not tell you that he would not pay, because you had been paid in excess on the last occasion?—Certainly not.

Re-examined by Mr. *Welsby.*

233. You stated a short time ago, Mr. Green, that the gross sum you mentioned to these three gentlemen, as being the amount of legal expenses, was near upon 280 *l.*?—As near as I can remember it was.

234. Was not the precise amount 277 *l.* 15*s.* 2*d.*?—Perhaps it was.

235. You said just now, by mistake, that you did not include the four additional polling booths. Are you correct in that; because I have the items before me, by which it appears it is quite plain that it does. Were there 13 polling booths, at 3 *l.* a-piece?—Yes.

236. That is 39 *l.*?—Yes.

237. Thirteen deputy sheriffs, 52 *l.*?—Yes.

238. Thirteen poll-clerks, 2 *l.* each, 26 *l.*?—Yes.

239. Five interpreters, 4 *l.* 12*s.* 1 *d.*?—Yes.

240. Poll-hooks, stationery, &c., 39 *l.* Is that right?—Yes.

241. And assessor's fee, 67 *l.* 3*s.* 1 *d.*?—Yes.

242. That makes 227 *l.* 15*s.* 2 *d.*?—Yes.

243. Then I have got four additional polling-booths, 14 *l.*; four additional deputy sheriffs, 16 *l.*; four poll-clerks, 8 *l.*; poll-hooks, stationery, &c., 12 *l.*: that is 50 *l.* That would make 277 *l.*?—Yes.

244. The 237 *l.* odd includes the four additional booths?—So it appears.

245. One-third of 227 *l.* 15*s.* 2*d.* is 75 *l.* 18*s.* 4*d.*?—Yes.

246. Was the amount that you named the legal expenses of each candidate?—Yes.

247. My friend asked you whether you were sub-sheriff at the last election. I will ask you a question belonging to another part of the case: I believe you had a notice as to where you were to be stationed?—I was not stationed at any particular place.

248. I think you stated that you mentioned to them the gross amount of legal expenses was 277 *l.* and odd shillings, and not 280 *l.*?—I must have made a mistake about that; it must have been 277 *l.*

249. Did you suggest the items of which that was made up?—No, I did not.

250. Did you tell them what the share of each of them would be; that it would be a third of that. How did you calculate the items?—I took them from the Act of Parliament.

251. Was it after you had stated to these gentlemen their legal share of the expenses; that each of their expenses would be 75 *l.* 18*s.* 4 *d.*?—I did not state that; I stated the entire thing. They knew they were to pay a third each.

252. Was it after that, that Mr. M'Cullum proposed, and Mr. Coffey agreed, to pay you 120 *l.*?—Yes; as well as I can recollect, what Mr. M'Cullam said was, "Let us give Mr. Green what we gave the last sub-sheriff at the last election," or something of that kind.

253. That would be at the election of 1857?—Yes, as well as I can recollect.

254. To that Mr. Coffey assented?—Yes.

255. Was Mr. Coffey an agent at the election for 1857?—I think not, but I cannot recollect; I was not sheriff then.

256. You say it had been the custom to give something over the election expenses?—I was sheriff once before, and I got it; and I heard that others got it.

257. You heard that others got it?—Yes.

258. Were you served with a notice on the part of Colonel White?—Yes, I was.

259. Was that before the polling began?—Yes, it was on the day of the nomination.

Mr. *Clerk* was heard to address the Committee on the question whether the objection raised by the petition had not already been adjudicated by a competent tribunal, and whether the petitioner had any right to re-open that question, and ask for a decision upon it. After which, he called the following witnesses.

David Coffey, Esq., sworn; Examined by Mr. *Karslake.*

D. Coffey, Esq.

260. Do you live in Dublin, and carry on business as a solicitor?—Yes.

261. At the election of 1859 for the county of Clare, were you applied to on behalf of Mr. Calcutt to assist him as an agent?—Yes.

262. Had most of the professional gentlemen in Clare been retained on the other side at that time?—They had all been engaged on the other side by Colonel White.

263. Was it necessary for Mr. Calcutt to have certain professional gentlemen to attend the election for him besides yourself?—Certainly.

264. Did you apply to gentlemen in Dublin to get them to attend?—I was obliged to do it, I went down for Mr. Calcutt, and found I had got no legal assistance for conducting the election in the remoter districts. I found I had no assistance, and I then thought it necessary to apply to some friends

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friends of my own in Dublin, professional gentlemen, to come down for me. It was difficult at that time to get professional men, for it was at the period of the general election. They were very much occupied.

265. Did you accordingly apply to some professional gentlemen in Dublin?—I did.

266. Who were they?—I applied to Mr. M'Namara, Mr. Collins, Mr. Parry, Mr. John Coffey, and Mr. Rogers.

267. Eventually whom did you succeed in getting?—Those whose names I have just mentioned.

268. Before they left Dublin to go down to county Clare to the election, did you make arrangements with them as to the amount they were to receive?—I did.

269. You had made your own calculation as to the number of days during which they would necessarily be absent?—I had.

270. How many days would they have been absent, in your judgment?—I considered in my own estimation of the time at that period, that they should be with me, some of them, on Thursday, and some of them on Wednesday previous to the nomination, and some of them were with me before that.

271. For what purpose did you require their assistance?—I stated there was a great deal to be done there; I was a perfect stranger myself to the county; I never had been there before; I found that Mr. Calcutt's interest had been very much neglected, and there was a great deal to be done. I found it perfectly impossible. I could not myself do anything effectual for him without assistance, and I arranged with these gentlemen that they were to come down with me, and to assist, generally to go to the districts, and to make arrangements for assistance, and I was to pay them a certain sum, 20 *l.* each, with the exception of one that I arranged to give 25 *l.* to.

272. That was Mr. M'Namara?—Yes.

273. Each of those gentlemen came down to you as arranged?—They did.

274. You have told us that they came down at different times, some earlier than others?—Yes.

275. From the time they came down to the time they went back to Dublin, what were they engaged upon?—They were engaged in making lists and doing the general business. Some of them were assisting me at Ennis, in the office I had taken, a tally room for Mr. Calcutt. I received assistance from a great many.

276. How many polling booths were there?—There were five polling booths.

277. Those are mentioned in the Act of Parliament?—They are.

278. How many polling places were there in all the district?—Well, I cannot exactly tell you that now.

279. Can you tell me about?—I think in Ennis there were three polling booths. At Six-mile-bridge there were two booths. At Tullagh there were additional booths. In that district called for by Colonel White, I cannot say the exact number.

280. At the election when the polling was to commence, what instructions did you give to those gentlemen who attended?—That they should superintend each district. There was one sent to each district to superintend and manage. The persons that I was driven to employ had very little legal information, and I left the charge of the district to those whom I appointed.

281. Were there clerks and others also engaged for this district?—Yes.

282. Who superintended?—The gentleman who managed that particular district.

283. That state of things continued during the time that the polling was on, I suppose?—Yes.

284. Did they stay with you after the polling had concluded, any of them?—Some of them remained with me two days afterwards; some of them a day; some I think two or three days.

285. Then it takes a day to go back?—A day if you are in sufficient time to catch the ordinary conveyance.

286. It is a long one day's work?—It is. Sometimes it will take two days.

287. How many days were those gentlemen engaged with you at the election?—I should think between seven and eight days; some of them between nine and ten days.

288. Now, upon your arrival in Ennis what passed with reference to the sheriff's expenses; first, did you know anything about this county Clare?—No, nothing whatever.

289. You never had been engaged in the election business?—I had no knowledge of the county.

290. Or of the practices which prevailed at the election?—None whatever.

291. Tell us what happened when you arrived at Ennis, with reference to sheriff's expenses?—The under-sheriff called upon me, and spoke to me about the fees, and stated there was to be a meeting at his own house, and asked me if I would attend on the part of Mr. Calcutt, as his conducting agent. I stated, that as agent for Mr. Calcutt I was quite prepared to discharge Mr. Calcutt's legal liability, and that in that case there was no necessity for my attending a meeting at his house. Mr. Green stated that it was the usual practice in the county, that upon all occasions the agents for the respective candidates met at his house, and that it was usual to do so, as the payment would be arranged there. Accordingly, I said I would go, and did go. At the meeting there was a gentleman, I think it was Mr. M'Cullum, who represented one of the candidates. Colonel White was unrepresented, and Mr. M'Cullum, upon the occasion, asked Mr. Green what were the expenses. Mr. Green referred to his memorandum book and said, upon the last occasion, the election before, that there had been a bulk sum paid; that there would be no particulars. I think it was Mr. M'Cullum who suggested that an arrangement of a similar character should be carried with the sheriff on this occasion; that it would be better, instead of furnishing or preparing an account, to pay a bulk sum immediately. After that Mr. Matthew Kenny, a solicitor, came in and represented Colonel White's interest, and said he had no authority from Mr. Joynt, but he was quite sure that Mr. Joynt would do whatever was right and correct; and we all separated, and nothing further was done. After that Mr. Green pressed me very much for money, and I said I was really quite willing and prepared to discharge Mr. Calcutt's account, if he would only furnish it to me, and let me know what the account was, but I could not tell it myself. Mr. Green was most reluctant in giving me the specified particulars which I wanted. I spoke to Mr. Calcutt about it, and told him I thought Mr. Green was not satisfied with my personal guarantee, being a stranger to him; that it

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D. Coffey, Esq.

7 June 1860.

left me in an awkward position; that I preferred dealing with Mr. Green, and giving him whatever he demanded. Mr. Green asked me then for a cheque for 120*l.* I stated I thought that was beyond the fees that he was entitled to. He told whatever there was in excess of Mr. Calcutt's liability, he would refund to Mr. Calcutt himself the difference. I afterwards spoke to Mr. Calcutt, and I stated to him that, relying on Mr. Green's position as under-sheriff for so many years of the county Clare, he was perfectly safe in giving me a cheque for 120*l.*, or any amount that he would ask; that he had no alternative. I would feel obliged by his drawing a cheque for 120*l.*, as it left me in a very unpleasant position for Mr. Green pressing me in that way; and Mr. Calcutt drew a cheque for 120*l.*, which he handed to me, and I handed it to Mr. Green.

292. You say the cheque was drawn for 120 *l.*?—£. 120 was the amount of the cheque drawn by Mr. Calcott.

293. And placed in the hands of Mr. Green?—I handed it to him in the street, after leaving the committee room.

294. Did anything else pass between you?—I stated that I had got Mr. Calcutt to give me a cheque for 120*l.* I stated to him that he was to refund any surplus, which he said he would do. If Mr. Green had asked me for any amount, I would have given it to him; if it had been three times the amount, I would have given it to him, for I had a perfect reliance in him.

295. You gave him a cheque, on those conditions, in the street, and then you parted?—I did.

296. Was that the day of the election, or the day before?—I am not certain about the day; but I think it was the day of the nomination.

297. Did anything pass between you with reference to the cheque for that sum of money during the election?—No.

298. Or did anything pass since between you and Mr. Green personally?—No, not since that. Mr. Calcutt, after the last petition that was tried here, requested me to take some proceedings against Mr. Green to refund this money.

299. You received instructions from Mr. Calcutt?—I did.

300. When?—After the last petition.

301. *Committee.*] How long after?—Immediately after. I advised Mr. Calcutt not to pay the sheriff's fees for the coming election as he had money in his hands.

302. That was the advice you gave?—Yes; knowing that Mr. Calcutt was going to stand again.

[Adjourned till Eleven o'clock To-morrow.

Veneris, 8° *die Junii*, 1860.

J. MELLOR, Esq., IN THE CHAIR.

DAVID COFFEY, Esq., re-called; Cross-examined by Mr. *Phinn*.

D. Coffey, Esq.

8 June 1860.

303. Now, Mr. Coffey, have you been concerned in elections before?—Yes.

304. How many elections have you conducted?—Well, I cannot say that I conducted an election before. I assisted in the election for the city of Dublin.

305. Have you assisted at other elections in Ireland?—Yes, I have.

306. How many?—I should say two or three.

307. How recently?—Well, I think at each election for the last few years.

308. How many elections have you been concerned in within the last 10 years?—I should say six or seven.

309. In Ireland you use Mr. Carlton's book?—Yes.

310. That is your handbook for conducting elections?—Yes; it is very much used.

311. Do you use it?—I do not.

312. Do you mean to say that you have never used it?—I have used it.

313. Have you a copy of it?—Not here.

314. Not here?—I have not.

315. You have referred to it?—I have, and possibly I have a copy of it; it is extremely likely I have.

316. Why did you say you had not; have you not, in fact, a copy?—I am not sure that I have, but——

317. But what?—I think it is likely I have.

318. Consider a little before you answer the question; you are aware that there was a sum fixed by the Act which the sheriff might receive?—Yes.

319. When you attended this meeting at the sheriff's, you said that a bulk sum was mentioned; I ask you whether the sum of 272*l.* was not mentioned?—It was not.

320. You swear that?—I do.

321. Was 277*l.* mentioned?—No sum at all was mentioned.

322. Was 280*l.* mentioned?—No sum whatever was mentioned.

323. You are aware that Mr. Green has said that the sum was distinctly mentioned; are you aware of that?—No, I am not.

324. Have you read Mr. Green's evidence?—No, I have not.

325. Was it not communicated to you?—No, it was not. I took up the morning paper with the view of reading what occurred, and there was no report of it.

326. The debate was so long last night; you swear positively you have not?—No, I did not read Mr. Green's evidence.

327. You swear positively that no sum was mentioned?—Yes, no sum whatever.

328. On

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328. On neither occasion that you saw Mr. Green?—No.

329. Was there no sum mentioned as having been the expense of the conduct of the preceding election by the sheriff?—No, nor do I know at the present moment what sum he had.

330. Had you made any calculation of the fees?—I made a rough estimate; I thought at the time that Mr. Calcutt's liability would be somewhere about 50*l.*

331. When did you make that rough estimate?—I made it when Mr. O'Halloran asked me to furnish him with a list of the liabilities of the late election.

332. When was that?—I think it was some time in December last.

333. Had you made no estimate, you who had been in the habit of conducting elections before?—I have not conducted elections before.

334. Well, then, having been professionally concerned at elections?—Yes.

335. Had you made no estimate before you handed the cheque?—I did, in my own mind, and I remarked to Mr. Green that I thought the amount was very much in excess.

336. What estimate did you make in your own mind?—About 50*l.*

337. Having, as you stated before, made an estimate that it would be 50*l.*, why did you pay 120*l.*?—Because Mr. Green asked me for 120*l.* He demanded that sum, and pressed me two or three times for it.

338. Were you aware that Colonel Vandeleur's agent had paid 120*l.*?—I was not, nor am I aware up to the present time that he has paid it.

339. Were you aware that he agreed to pay 120*l.*?—No, I was not aware of it.

340. Did you ever have the curiosity to look at Colonel Vandeleur's return?—No, I never saw it.

341. Now, you say that Mr. Green referred to a memorandum book, and said upon the last occasion of the election before, that there had been a bulk sum paid?—Yes.

342. When he referred to his memorandum book, upon your oath, did he not mention a sum?—He did not.

343. Was it at that meeting that any sum was mentioned?—There was no sum whatever mentioned.

344. You are sure?—There was only one meeting, and there was no sum whatever mentioned.

345. How often did you see Mr. Green between this meeting and the time the money was paid?—I saw him repeatedly, sometimes two and three times each day; I met in him in the street; I met him about Ennis in the town.

346. Did you see him upon the subject?—Yes.

347. Did he on each of those occasions apply to you for money?—He did.

348. How many times beween the meeting and the time when you say the cheque was handed to him do you think he applied for the money?—I cannot say; he pressed me two or three times very much for the money. I got very much annoyed about the matter. I stated to Mr. Green that I would pay Mr. Calcutt's expenses, and the necessary fees, and I thought he was dissatisfied with that. I felt myself in an awkward position. I communicated it to Mr. Calcutt, and represented to him that Mr. Green was pressing me for it.

349. Mr. Calcutt is a resident in the county?—He is.

350. He is not a stranger to the county?—No.

351. He is a gentleman of property in the county?—He is.

352. You said this undersheriff pressed you several times. Had you during that pressure got into your head the notion that about 50*l.* would pay it?—No, I had not, for I did not consider it.

353. When did you make this calculation that 50*l.* would do?—When Mr. Green asked for a cheque for 120*l.*, I estimated in my own mind without reference to anything, I thought that sum was in excess.

354. Did you mention the sum that you had estimated in your own mind to Mr. Green?—Not to Mr. Green.

355. How was it, having estimated 50*l.* in your own mind, that you paid him 120*l.* without mentioning the discrepancies between your estimate and the sum you paid when asked for?—I said I thought the sum required was very much in excess of the amount that would be properly payable by Mr. Calcutt, and that if he would let me have the particulars, I would at once settle the amount and close it. Mr. Green stated that he could not prepare the particulars; that he was not in a condition to estimate the precise amount, so as to divide it between the candidates, but that I was to give him a cheque for 120*l.*

356. Are you assisting in conducting this petition?—I am not.

357. Have you been examined as to what evidence you can give?—I was subpœnaed by Mr. Sharkey to give evidence.

358. Were you examined on the other side, and your evidence taken down to see what you could prove?—It was.

359. Did you then state to those gentlemen that you had given the particulars to Mr. Green; that you had told Mr. Green that you had calculated the particulars, and that the sum was very much in excess?—I did; I cannot recall the particulars.

360. Did you tell them that you told Mr. Green that?—I stated at the time the request was made to me for 120*l.*, I estimated in my own mind in a hasty manner what I thought Mr. Calcutt's liability was; and I stated then to Mr. Green that I thought the sum he asked, 120*l.*, was very much in excess of what Mr. Calcutt was legally bound to pay.

361. Is that the whole?—That is the whole.

362. Did you state to those gentlemen that you had made that calculation to Mr. Green?—No, I did not.

363. When was it you first stated, and made that calculation to Mr. Green, that the sum demanded was very much in excess?—When did I state it?

364. The first time you ever stated that you had that conversation?—I stated that to Mr. Baker; he took it down; of course he did. This is not the first time.

365. Now, when were the accounts of the election closed?—I do not think the accounts are closed at the present hour.

366. You have sent in the election auditor's account?—No; that is a great mistake. The election auditor asked me for a return; I made out a list of liabilities I had entered into for Mr. Calcutt, and I furnished that list to Mr. O'Halloran.

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loran. It was not an account, it was merely a list of engagements entered into for Mr. Calcutt, and in that list some of them were paid, some of them were not paid. I do not think some are paid to the present hour; there is some doubt about them.

367. You estimated this 50 *l.* in December?—I did.

368. I see in this account of expenses incurred there is this item: "Paid sheriff 50 *l.*"?—The first page is for expenses incurred before the election.

369. Now, may I ask you, having returned as paid to the sheriff 50 *l.*, in December, when did you first apply to him to return any overplus?—Mr. Green, upon receiving the cheque for the 120 *l.*, undertook to me to hand the surplus to Mr. Calcutt; for I stated to him that I should not be there after the election; that I should return to my own professional pursuits. He undertook to return it to Mr. Calcutt himself, who was residing on the spot.

370. That you are prepared to swear?—Yes.

371. When did you close your accounts with Mr. Calcutt; are they closed yet?—They are not closed yet; there are some accounts out.

372. Have you made any statement of account to Mr. Calcutt in writing?—No, I have not.

373. Not of any kind, sort, or description?—I have not.

374. Has he called upon you for no account?—He has not; for we have been engaged in the petition since. A petition was immediately lodged after the election, and the thing has been going on from that time to the present.

375. Do you mean to say that you made out no account, either rough, or completed, or general, or detailed, between you and Mr. Calcutt, relating to the election?—The only account I made out is those engagements I have entered into for Mr. Calcutt, which I furnished to Mr. O'Halloran.

376. That is the only account?—Yes.

377. I understood you to say that you handed the cheque yourself to Mr. Green?—I did; I received it from Mr. Calcutt, and shortly afterwards handed it to Mr. Green.

378. Where?—In the street.

379. Who was present besides you and Mr. Green?—I do not think any person.

380. What day was it?—I cannot recollect now the day.

381. I ask you whether it was not the day of the declaration of the poll?—I am not sure of that at all; the cheque bears a date, I presume that will tell.

382. Have you got the cheque?—I have not.

Mr. *Phinn* called for the production of the cheque.

Mr. *Baker* stated that they had given no notice to produce the cheque.

Mr. *Sharkey* stated that specific notice to produce this particular cheque had been served upon Mr. Baker.

Witness.] Mr. Calcutt himself will be able to tell the date from his book; it was Mr. Calcutt's cheque for 120 *l.*, payable to Mr. Green. I have a distinct recollection of it.

Mr. *Phinn* read a notice to produce a certain cheque drawn on F. M. Calcott, in favour of Henry Green, upon the Provincial Bank of England, in the month of May, for 120 *l.*, and then called for its production.

Mr. *Baker* stated that he had not got the cheque.

383. Mr. *Phinn.*] I ask you what was the date of that cheque?—I cannot tell the date; I have no recollection of it.

384. Do you swear that it was not upon the nomination day?—I have stated already that I was not sure; I considered it in my mind afterwards, but I could not trace the date of it.

385. Was it the day of the nomination?—I am sure I should not like to say.

386. Was not the cheque drawn at the sheriff's office, Mr. Calcutt writing it on the mantelpiece, and handed by him in the sheriff's office to Mr. Green in the presence of Mr. Hine?—It was not.

387. That you swear?—I do.

388. Was Mr. Calcutt in the sheriff's with you on the day of the declaration of the poll?—Well, I do not know; I cannot say; there was a great deal of excitement at this time, that I really cannot say.

389. Did Mr. Calcutt give you the cheque in the sheriff's office?—Mr. Calcutt handed me the cheque, and I handed it to Mr. Green.

390. In the sheriff's office I asked you?—No, he did not.

391. Where did you get it from?—I think it was in the office that I had there.

392. Where?—In the town of Ennis.

393. Will you swear that it was not handed to you in the sheriff's office?—I will.

394. And written there?—I will.

395. Did you see him write it?—No, I did not.

396. Will you swear you did not?—I will.

397. Now, I ask you, sir, why no steps were taken to get back the overplus?—Well, as I stated before, we had been upon an election petition; I came up from Dublin; I had no connexion, of course, with Ennis; I was very much hurried in Dublin preparing this petition; I came over to London once or twice; I had no opportunity of having an interview with Mr. Green about it: I was altogether occupied with the petition between Dublin and London.

398. Had you not time to write a letter to Mr. Green?—I had; I did not think it necessary, as he stated he would refund to Mr. Calcutt, and therefore the thing passed off my mind.

399. Did you ever ask Mr. Calcutt, between May and September, whether he had received the overplus?—I did not.

400. When did you first know that any question was raised about this payment?—Well, I heard of it on this petition.

401. The last petition?—No, the question was not raised in the last petition.

402. When did you hear of it?—I heard of it since the last election, the election we have just passed.

403. Did you not hear of it about the time of the last petition, I mean of this cheque for 120 *l.*? No, I heard nothing about it.

404. When did you suggest that the money should be repaid?—I did not suggest it; it was Mr. Calcutt himself wrote it.

405. When was that?—Some time after the last petition.

406. How long after?—Immediately.

407. What do you mean by "immediately;" was

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was it after the writ had issued for a new election?—No, before.

408. We know pretty well there were not two days intervened after the last petition, and before the writ did Mr. Calcutt suggest this to you?—After the last petition was decided here.

409. Before the writ for the new election?—I cannot say whether it was before or after.

410. You said it was before the last election?—It was some time after the last petition.

411. Have you got the letter?—I have not; I was asked to produce it; I have it in my office in Dublin. I think it right to state to Mr. Sharkey that I only received the intimation when I came here. Mr. Baker had written to me to bring over any letters that I had, and the letter crossed me.

412. Have you ever made any application to Mr. Green to refund the money?—No: I told Mr. Calcutt that he would have to pay the sheriff and the sheriff would pay himself.

413. In point of fact, if I understand you, you have never taken any proceedings to get the money back from Mr. Green?—I took a step towards it.

414. Tell what step you took towards it?—I spoke to Mr. O'Donoughue, who was the local agent selected to conduct the last election. I advised him not to pay the sheriff, because he held money of Mr. Calcutt in his hands.

415. When was that?—Immediately after the last election.

416. When?—A few days after the last election.

417. Why, had not this payment to the sheriff been well known at the last election?—I presume it had.

418. Then you never took any steps, if I understand you, until after the last election, when you wrote to Mr. O'Donoughue?—I did not. After Mr. Calcutt wrote to him I waited until Mr. Calcutt returned to Dublin, and on his return to Dublin I gave him that advice.

419. Let us have it distinctly; that was the step you took; you wrote to Mr. O'Donoughue?—I did not write to Mr. O'Donoughue; I met Mr. O'Donoughue, and explained the matter to him.

420. Did Mr. O'Donoughue, in that interview, state that a question had been raised on Colonel White's side, about the overpayment of the sheriff?—Yes; after the last election it was circulated that there was a petition grounded on the two points; payment to the sheriff and to the agents.

421. I ask you whether, on the occasion of that interview with Mr. O'Donoughue, you suggested to him to get back the money?—I did not suggest it to him to get it back; I suggested to him not to pay him.

422. Did not Mr. O'Donoughue tell you that some question had been raised?—Mr. O'Donoughue stated that he had been very much pressed by Mr. Green, like myself, to pay, and that I stated to him I thought he ought not to pay, as there was money in his hands belonging to Mr. Calcutt.

423. Did Mr. O'Donoughue state to you that at the election the question had been raised as to the overpayments at the previous election?—We discussed it at the last election, certainly.

424. I will have an answer to my question. In this interview with Mr. O'Donoughue, when you suggested to him not to pay, did Mr. O'Donoughue refer to the question which had been raised as to the overpayments at the previous election?—No, he did not say a word about it.

425. He did not say a word about it?—No; the question had been discussed and talked of at the last election.

426. Now, only a question or two on the other point, about the accounts; if I understand you, you had made an arrangement for the lump sum of 20*l.*?—There was one gentleman that I agreed for 25*l.*

427. The others were 20*l.*?—Yes.

428. Was that arrangement made in writing?—It was not.

429. Did you not communicate with any of these gentlemen by note?—No, I think not; there were one or two notes, but I think I spoke to them all; they were personal friends of my own.

430. As a man of business, did you write to any of these gentlemen?—Probably I might have written to one or two of them.

431. Who fixed the sum?—I fixed the sum.

432. £. 20, a lump sum?—I went into a calculation myself.

Re-examined by Mr. *Karslake.*

433. These gentlemen were all professional friends of your own, living in Dublin, solicitors?—They were.

434. You were asked by my friend whether you have given evidence for our side; you say that you were subpœnaed by the other side, and were brought over by them?—I was.

435. When you gave your statement to Mr. Baker, our agent, on behalf of Mr. Calcutt, did you give him the same story that you have given in evidence before the Committee?—I did.

436. I think you said on the first occasion, when you went to the sheriff, that the agent for one of the candidates was present?—Yes; there was Mr. M'Cullenan; then on a subsequent occasion Mr. Kenny was present; Mr. Kenny came in near the conclusion, and hastily went away.

437. Representing that he was not the agent of the other candidate, but that Mr. Joynt was?—Yes, and that Mr. Joynt was unavoidably absent.

438. *Chairman.*] He stated that he had no authority?—That he had no authority, but that he thought that Mr. Joynt would do what was right.

439. Mr. *Karslake.*] Mr. Cullenan was a stranger to you?—He was a stranger to me, and so are they all strangers to me.

440. You said that after the election you returned to Dublin?—I did.

441. Did you on more than one occasion try to get an account from Mr. Green of the expenses of the election?—I asked him frequently for it.

442. Did you ever succeed in getting it?—I did not.

443. Or in getting an approximate estimate from him?—No; nothing from him except the demand for 120*l.*

444. *Chairman.*] Do you recollect where it was that you told Mr. Green, when you asked him for the particulars, and he said he could not give you the particulars; did you remember where that conversation took place when you said that you thought it was an excess; was it at the meeting at Mr. Green's house, or was it in any conversation in the street?—No, not at the meeting in

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in Mr. Green's house; it was in my conversations with him.

445. When he pressed you for money?—Yes; I met Mr. Green principally in the street, for it is a small village, and the principal business of the election was done in the street; all communications took place in the street; if you wanted to see any person you would go out into the street; that was the general place of meeting. The club house was opposite the bridge; it was a general resort for all persons, and they were outside.

446. The account which you make out of expenses incurred leaves many of them questionable as to whether they are paid or not?—Some of those are not paid.

447. "Paid sheriff 50*l.*"?—Yes.

448. What is the meaning of that?—The meaning of that is, in paying Mr. Green 120*l.* I considered that 50*l.* was the legal sum, and that Mr. Green was to return to Mr. Calcutt the surplus. I put down what I consider the proper sum.

449. You mean that this was an estimate of what you supposed you paid on account of the expenses of the sheriff?—Yes, precisely.

450. Did not that include the auditor?—The auditor is mentioned afterwards.

451. It is here put, "paid auditor nomination fee;" is that the election auditor?—Yes.

452. Was that actually paid?—No, that was included in the sum paid to the sheriff.

453. Was that an estimate?—That is the fee allowed by Act of Parliament; the nomination fee.

454. Neither had been paid specifically, the 50*l.* nor the 10*l.*; but you mean that you paid a lump sum?—Yes.

455. Relying on the return of the excess when the items were ascertained; is that what you mean?—Yes.

456. That is really your arrangement with Mr. Green?—It was.

457. And your understanding of it throughout was, that you were to have returned anything that was in excess of the legal expenses?—Yes; and that it would be paid back to Mr. Calcutt.

458. You are quite certain of that?—Quite certain; I would not have paid it otherwise.

459. This, I understand you to say, was an account of expenses which you were supposed to have incurred, without reference to whether these had been paid; or were they only what you supposed you were liable to pay?—The first sheet, the top of which was 75*l.* 15*s.*, was paid by myself for miscellaneous things; and then inspectors in the second page, are the engagements I entered into for Mr. Calcutt; I agreed to give those gentlemen so much apiece; and, as to the other gentlemen, now professional inspectors, I agreed to give them so much each, and I put it down accordingly; and the poll clerks and the check clerks the same. Those are the persons I employed. I returned that list to Mr. O'Halloran as engagements, not as an account of money paid.

460. You fixed those sums for inspectors upon a calculation of your own?—I did, upon a calculation of the travelling expenses, and the number of days I would have them.

461. As professional men, from Dublin, going down to a strange place?—Precisely.

462. You are quite sure that you understood with reference to the other, that what you paid in excess was to be accounted for?—I am quite satisfied of it; Mr. Calcutt was very unwilling to give me a cheque; he thought himself it was rather too much; but I said that Mr. Green had undertaken to refund it, that there would be no difficulty about it, and that he might give it to me.

463. Mr. Phinn put to you this question; that having formed an estimate of 50*l.*, how it was you should pay so large a sum as 120*l.*?—I considered that acting for Mr. Calcutt, it was not to my interest to quarrel with the sheriff, or to raise any dispute with him at that period.

464. How often do you think that you had been applied to by Mr. Green before you handed him over the cheque?—Five or six times.

465. Before you handed him the cheque?—Yes.

466. You are quite satisfied of that?—Yes; I had a great difficulty in getting it from Mr. Calcutt; I asked him two or three times for it; in fact, Mr. Green, when he met me in the street, always pressed me for it, and asked me why I was not giving it.

Mr. *Phinn* was heard to propose to recall Mr. Green.

Mr. *Clerk* was heard against the application.

Mr. *Phinn* was heard in reply.

The room was cleared.

After some time, counsel, agents, and parties were called in, and informed that the Committee had come to the following resolution: "That the witness could not be recalled."

Mr. *Karslake* was then heard to sum up the evidence on the part of the Sitting Member.

Mr. *Phinn* was heard in reply.

The room was cleared.

After some time, counsel, agents, and parties were called, and informed that the Committee had come to the following resolution; "That Francis M'Namara Calcutt is duly elected a Knight of the Shire to serve in this present Parliament for the County of Clare."

Mr. *Clerk* applied for costs, on the ground that the Petition was frivolous and vexatious.

The *Chairman* stated that the Committee were unanimously of opinion not to give costs.

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CLARE ELECTION.

MINUTES OF EVIDENCE

TAKEN BEFORE THE

SELECT COMMITTEE

ON THE

CLARE ELECTION PETITION;

WITH THE

PROCEEDINGS OF THE COMMITTEE.

(1860.)

Ordered, by The House of Commons, *to be Printed,*
18 *June* 1860.

392.

Under 3 *oz.*

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